

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 887 of 2017

- Deepak @ Chhuttan S/o Krishna Singh Aged About 28 Years R/o Sanatan Nagar, Bajrang Para, Kohka, Police Station Supela, Bhilai, District Durg, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through District Magistrate, Durg, District Durg, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Wasim Miyan, Advocate

For Respondent/State : Mr. D.R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27-02-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 14-10-2016 in connection with Crime No.582 of 2016, registered at Police Station Bhilai Nagar, District Durg (CG) for the offence punishable under Section 307, 34 of IPC.
2. Case of the prosecution, in brief, is that on 12-10-2016 the applicant and the complainant/victim entered into altercation on a road rage and over a rash driving and when it was objected, the applicant along with other accused persons came and assaulted the victim Mritunjay Singh by way of knife on his buttock and abdomen and thereafter they fled away and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the the incident happened only on the trivial issue about driving of

the vehicle and there was no intention to kill the complainant and nature of injury is simple. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 14-10-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents
6. Perused the statement and medical report of of the complainant/victim wherein it is stated that the injury sustained by the victim is not fatal.
7. Taking into consideration the facts and circumstances of the case and further considering the nature of injury and also the fact that the charge sheet has been filed and the applicant is in jail since 14-10-2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju