

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. NO. 2190 OF 2017

Narendra Uikey, S/o Ramnath Uikey, aged about 52 years, R/o Village Kochwahi Potaladi Para, P.S. and District Narayanpur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through the Police Station Narayanpur, District Narayanpur (C.G.)

... Non-applicant

For Applicant	: Mr. P.K. Tulsyan, Advocate.
For Non-applicant/State	: Mr. Ashok Swarnakar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/10/2017

1. The present is the first application filed under Section 439 of CrPC for grant of bail to Applicant who has been arrested on 7.9.2016 in connection with Crime No. 84/2016, registered at Police Station- Narayanpur, District Narayanpur, for the offence punishable under Sections 307/34 and 120(B) of IPC as well as under Section 25 & 27 of the Arms Act.
2. Case against the Applicant as per the prosecution is that he along with other accused persons is said to have assaulted two injured persons, namely, Narayan Kushwaha and Vinod Mishra, both are whom are Assistant Platoon Commander in the 9th Battalion.
3. Learned Counsel for the Applicant submits that the only reason for implicating the Applicant in the present case is on account of an incident to have occurred in front of his house. According to him, there is no evidence in the entire case diary to show that the Applicant has assaulted the injured persons and neither was he involved in any criminal offence at any point of time nor has he any past antecedent.

4. Learned Counsel for the State however opposing the application submits that it is a case where the grand-daughter of the Applicant herself has stated of the Applicant coming along with other accused person, a so called naxalite, and the assault has been made by the person who accompanied the Applicant.

5. Having considered the contentions put forth on either side and on perusal of the record, apart from the statement of the grand-daughter of the Applicant, a 10 year old child, who only says that when the Applicant came to the spot there was another naxalite who had come along with him, there is no evidence to show that the Applicant was armed with or he instigated for the assault to be made on the two injured persons, neither is there any act which has been committed by the Applicant which has resulted in the injuries suffered by the injured persons.

6. In the given facts and circumstances, this Court is of the opinion that a *prima facie* strong case is made out for grant of bail to the Applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The Applicant shall thereafter appear before the Trial Court on each and every date given by the said Court.

Sd/-
(P. Sam Koshy)
Judge