

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3612 of 2017

Rajesh Prasad Rajwade, S/o. Muneshwar Ram Rajwade, aged about 35 years, R/o. Village-Sirkotanga, P.S. - Lakhanpur, District – Surguja (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through : the Station House Officer, Police Station - Lakhanpur, District - Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/10/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 01.03.2017, in connection with Crime No.27/2017, registered at Police Station – Lakhanpur, District – Surguja (C.G.) for the offence punishable under Section 294, 323, 506-B, 147, 148, 149, 307 of the Indian Penal Code.
2. The prosecution story in brief is that on the date of incident on 09.02.2017 at about 11.00 am, the applicant and others were digging foundation for Hanuman temple by the side of the Shiv temple, victim/complainant came on the spot and objected to the digging claiming that any construction on the spot would obstruct his path because of which, some altercation took place between the

complainant and the accused persons and it was then the applicant using *Katasa*, assaulted the victim causing injuries to him. The victim was admitted in hospital and on medical examination it was found that he has suffered head injuries on account of assault made by the applicant, which was dangerous to his life

3. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Six persons have been made accused in this case and out of which, five accused persons have been granted bail by the Sessions Court itself. The application of the applicant was rejected only for this reason that he was the assailant in this case causing injuries to the victim – Sunil Rajvade. It was further submitted that incident was not pre-meditated and the incident has taken place all of a sudden on account of dispute and brawl between the applicant and others with the complainant and others. It is submitted that charge-sheet has been filed and the trial is yet to begin, hence under the facts and circumstances of the case, the applicant may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant was named as assailant in the case, who assaulted the victim Sunil Rajvade with *Katasa* (kind of knife), which has resulted in head injuries to the victim, causing hemorrhage and fracture of the skull. It is further submitted that the applicant is the main accused in this case and on his giving blow from *Katasa*, the victim has sustained head injuries reported to be dangerous to his

life by the examining doctor, hence for these reasons, the applicant is not entitled for grant of bail.

5. I have heard the learned counsel for both the parties and perused the case diary.
6. Considered the submissions made and the contents of the case diary. Looking to the fact that charge-sheet in this case has been filed and also that co-accused persons in this case has been enlarged on bail, no purpose would be served, if the, applicant is kept in detention for whole period of trial, his appearance before the trial Court can be ensured by imposing conditions and he is a local resident, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge