

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4518 of 2017**

Jameel Shah S/o Ajmer Shah, Aged About 29 Years R/o Ward No. 6,
Takhatpur, Police Station City Kotwali Takhatpur, Civil District Bilaspur,
Revenue District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Jarhagaon, Civil District
Bilaspur, Revenue District Mungeli, Chhattisgarh.

---- Respondent

For the Applicant : Shri Pallav Mishra, Advocate.

For the Respondent/State : Shri Sumit Jhanwar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.11.2017**

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 in connection with Crime No.143 of 2016, registered at Police Station – Jarhagaon, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 147, 148, 149, 307, 323, 332 and 353 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 30.06.2016 and the applicant has been falsely implicated in this case. The injury caused to the victim in this case is not fatal. The co-accused persons in this case have been granted bail by the Co-ordinate Bench of this Court and the applicant also stands on the similar footing. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant is the main accused in this case and at his instance a knife was recovered and seized which was used to cause grievous injury to complainant - Pankaj Nirnejak. It is also submitted that on query, doctor has reported that the injuries caused to the complainant may have been fatal. Hence, it is prayed that the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. As per the case, on 30.6.2016, on the information received that some contraband is being transported by the complainant, a constable and other members of the team intersected and apprehended the applicant and other persons on the spot. At that time, the applicant and co-accused assaulted complainant Pankaj Nirnejak with knife causing injury on his back, on which FIR has been lodged. The case has been investigated and the charge-sheet has been filed.

6. Considering the submissions made and the contents of the case diary and the fact that the applicant is in jail since 30.06.2016, the applicant is a local resident of District Bilaspur, the trial of the case is likely to take some time for its final disposal and if the applicant is kept in detention for the whole period of trial this will not serve any purpose, I am of the considered opinion that the applicant is entitled for bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge