

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4466 of 2017

- Shyam Sunder S/o Nansai Dewangan, Aged About 44 Years R/o Odari, Police Station Chalgali, Balrampur, District Balrampur Ramanujganj Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through The Station Hosue Officer, Police Station Chalgali, Balrampur, District Balrampur Ramanujganj Chhattisgarh

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, 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 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 46/2016, registered at Police Station- Chalgali, District – Balrampur-Ramanujganj(C.G.) for the offence punishable under Sections 341 & 307/34 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant has been falsely implicated in this case. The complainant Vijay Chourasiya got injured due to motor accident, when his motorcycle collided with the motorcycle of the applicant. Complainant has in his statement before the Court admitted this fact and given statement, that applicant and

co-accused had no role to play in causing injury to him, hence, prayed that applicant be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that complainant though has turned hostile before the Court but he has lodged FIR against the applicant and given statement under Section 161 of Cr.P.C., that it was applicant, who caused injuries and applicant intended to cause his death, hence, for these reasons applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. Considering the contents of the case diary and submissions made in this respect, specifically looking to the injuries caused to the complainant and consequent to which the omission of statement made by the complainant before the trial Court, in this development of situations, I am of this considered view, that applicant should be enlarged on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing 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, for his appearance as and when directed.
7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge