

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 557 of 2017**

Lalit Sahu S/o Chaitram Sahu Aged About 28 Years R/o Sahu Sadan,
Near Water Tank, Kachna, Police Station Vidhansabha, Tahsil &
District Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police
Station Pandri, District Raipur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Goutam Khetrapal, Advocate.
For the Respondent/State	:	Shri U.K.S. Chandel, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.11.2017**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. It is submitted by counsel for the applicant that the applicant is apprehending arrest in connection with Crime No. 155 of 2017, registered at Police Station – Pandri, District – Raipur, Chhattisgarh for the offences punishable under Sections 307, 294, 506 and 323/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case, particularly non-bailable offence under Section 307 of the IPC has been deliberately added to keep the applicant behind the bars. The injured persons in this case, namely, Vijay Shah and Suraj Shah have suffered only simple injuries and the applicant in any manner has never

intended to cause death of any of the said persons. Hence, it is prayed that the applicant be enlarged on bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the nature of injury caused is not important, it is the intention which is to be looked into in the matter of the offence of attempt to cause death. The injured persons in this case were assailed by the applicant by using utensil and club and further it is stated by the witnesses that the applicant intended to cause death. Hence, the applicant is not entitled for bail.

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

6. Considering the submissions made and the contents of the case diary and particularly, the injuries caused to the injured persons in this case, I am of the considered view that the applicant deserves to be released on anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:

- '(i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge