

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4635 of 2017**

Pawan Yadav @ Don S/o Late Devsing Aged About 24 Years R/o Near Sheetla Mandir, Azad Chowk, Ruanabandha Basti Nagar Tehsil & District Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. Police Station Bhilainagar, District Durg, Chhattisgarh

---- Respondent

For the Applicant	:	Shri Purendra Khichariya, Advocate
For the Non-applicant	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01/11/2017**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 503/2016 registered at Police Station Station Durg, District Durg (C.G.) for the offence punishable under Sections 307 and 327 of the Indian Penal Code.
3. Case of the prosecution, in brief is that the on 20/08/2016 by 13.30 hours complainant Baburao was returning back his house after consuming liquor. On the way near Ruabandha Tank, Bhilai Nagar applicant met him and demanded the money for consuming the liquor, when complainant refused then applicant-accused caused three blow by spring knife. Complainant saved two blow and third blow caused

injury in ribs.

4. Learned counsel for the applicant argued that charge-sheet has already been filed, complainant Baburao has been turned hostile. No grievous injury was found in body of the complainant, thus he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to these circumstances and other facts of the case, the applicant is in jail since 21/08/2016, there is no likelihood that the said applicant may be absconded, there is no possibility of tempering of the evidence, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he will appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge