

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4919 of 2017**

1. Monu @ Gurudip Singh S/o Late Guljar Singh, Aged About 31 Years, R/o Behind Gurudwara, In The Rental House Of Narendra Singh, Santrabadi Durg, Police Station Mohan Nagar Tahsil & District Durg Chhattisgarh.
2. Mintu @ Manmit, S/o Sarva Nirmal Singh, Aged About 24 Years R/o Behind Gurudwara, Santrabadi Durg, Police Station Mohan Nagar Tahsil & District Durg Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through : District Magistrate, Durg (Chhattisgarh)

---- Respondent

For the Applicant	:	Shri T.K. Jha, Advocate
For the Non-applicant	:	Shri UNS Deo, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03/11/2017**

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.283/2017 registered at Police Station Mohan Nagar, Durg, District Durg (C.G.) for the offence punishable under Sections 307, 34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 22/06/2017 by 04.30 p.m. complainant Premjal @ Gundul was returning back from his office, meanwhile under the bypass over-bridge Dhamdha applicant Monu @ Gurudip Singh, Mintu @ Manmit met with him and on account of non-payment of the debt applicant No. 1 Monu @ Gurudip Singh

beaten him with fist on his face and caused the injury in his abdomen by knife. As per the injury report injuries were grievous in nature.

4. Learned counsel for the applicant argued that the matter has been compromised, trial should take its own time, thus the applicants may be granted bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. An affidavit filed by the said complainant he has compromised with the present applicants; there is no enmity between them, charge-sheet has been filed and he wants that matter should be closed.
7. Specially looking to the contents of the affidavit of the complainant, looking to the other facts of the case, looking to the fact that there is no likelihood of the accused to abscond and temper the evidence, the trial will take its own time, applicants are in jail since 23/06/2017, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicants.
8. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicants furnishes one solvent surety for a sum of Rs. 20,000/- each along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that they shall appear before the trial Court at 11.00 am as and when directed till trial and they would cooperate during the trial, they shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge