

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6452 of 2017

- Yashwant Mahanand S/o Vishwanath Mahanand, Aged About 21 Years, R/o Near Shitla Temple Chhota Ashok Nagar, Police Station Gudhiyari, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through it's Police Station Gudhiyari, Civil & Revenue District Raipur Chhattisgarh

---- Non-applicant

For Applicant – Shri B.L. Sahu, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-12-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant was arrested on 17-07-2017 in connection with Crime No.190/2017 registered at P.S. Gudhiyari, District - Raipur, C.G. for the offence under Section 307 read with Section 34 of the IPC and Section 25 and 27 of the Arms Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The FIR lodged does not reflect the name of the applicant as one of the culprits, name of the applicant has been added deliberately in the investigation conducted later on. It is also submitted that name of assailant in this case is accused Rakesh @ Dipendra who assaulted the injured person with knife, on account of which, offence under Section 307 of the IPC has been registered. It is also submitted that no case is made out against the applicant. Hence, it

is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that statements of the witnesses show that the applicant was one of the active participants in the incident and in the theory of common intention, he cannot be relieved of responsibility of the grievous offence committed. Hence, it is prayed that the application filed by the applicant for grant of bail may be rejected.

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

5. Facts of the case are these that on the date of incident injured Gopal Baghel, Golu Sagar and Krishna Baghel were returning from a party at 11.30 at night, the accused party stopped the complainant Gopal Baghel and others alleging that they were driving motorcycle rashly and in that dispute one accused Rakesh assaulted Gopal Baghel and Golu Sagar with knife causing them injuries, another injured Krishna Baghel sustained simple injuries. On the basis of information given the offence was registered against the accused. The applicant is in jail since 17-07-2017.

6. Considered on the submissions and contents of the case diary. Further on perusal of the medical report it is found that although the injured persons required treatment of hospitalization, but there is no report of the doctor that the injuries caused to them could have been fatal, hence, for these reasons, this Court is of the considered view that this is a fit case where the applicant should be granted bail.

7. Consequently, the application (MCRC No.6452/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is

directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge