

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8244 of 2016

1. Deepak Khatkar, S/o. Bhagat Ram Khatkar, aged about 30 years, R/o. Village-Tilaipali, Police Station – Sarsiwa, Civil and Revenue District – Baloda Bazar – Bhatapara (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station – Sarsiwa, Civil and Revenue District – Baloda Bazar – Bhatapara (C.G.)

---- Respondent

For Applicant	:	Mr. Janak Ram Verma, Advocate
For Respondent/State	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/02/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.142/2016, registered at Police Station – Sarsiwa, District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 323, 294, 325, 307/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 13.08.2016, the complainant Bharat Lal while was going on his motor cycle to his house at that time near Tilaipali bridge two persons attacked and assaulted him by way of club and rod, thereby the offence has been committed, which was enough to cause his death.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the FIR was made against the

unknown person and even after arrest, the applicant has not been identified. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary, documents and the statement. Perusal of the documents, appears that no identification is carried out even after the arrest. Considering the fact and circumstances of the case and the fact that charge-sheet in this case has been filed and no further investigation is necessary and further taking into the nature of injury, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge