

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 512 of 2018

- Sonu @ Budhram Dewangan S/o Itwari Dewangan, Aged About 27 Years, R/o Jamatpara, Ward No.10, Pandaria, Police Station And Tahsil Pandaria, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pandaria, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Non-applicant

For Applicant – Shri Suryakant Mishra, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 10-11-2017 in connection with Crime No.192/2017 registered at P.S. Pandaria, District Kabirdham, Chhattisgarh for the offence under Section 307, 323, 324, 294, 506-B of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No offence is made out under Section 307 of the IPC on the basis of material present in the charge sheet filed against this applicant. The applicant is in jail since 10-11-2017. The trial against the applicant is likely to take some time before its conclusion. Hence, it is prayed that he may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant injured four persons during the incident and one of those persons by name Anjali has suffered grievous injury according to the medical report. Hence, no case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. On account of dispute between the applicant and complainant Rajendra Dewangan regarding electricity connection in the house of the complainant, exchange of words took place of the applicant with complainant Rajendra Dewangan and his wife Anita Dewangan, daughter Anjali and son Jayprakash, during which, this applicant assaulted all of them with knife causing injuries to them. Injured Anjali suffered one injury on her nose which has been reported by the examining doctor as grievous injury.
6. Considered on the submissions made and contents of the case diary.
7. On perusal of the medical examination report of the injured persons, especially the report of injured Anjali, although there is report that the nature of the injury was grievous, but the injury is simply mentioned as one incised wound on nose, hence question is needed to be put to the examining doctor during trial that in what manner he has described the injury caused to injured Anjali as grievous in nature. Hence, considering the nature of evidence against this applicant, I am of this view that this applicant should be released on bail during pendency of the trial against him.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge