

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 259 of 2018**

Kashiram Kahar S/o Late Shri Rajaram Kahar Aged About 55 Years R/o Village Lokhandi Police Station Koni , District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Police Station Koni District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant : Shri Atul Kumar Kesharwani, Advocate.
For the Respondent/State : Shri Vivek Singhal, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.03.2018**

Heard.

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.326 of 2017, registered at Police Station – Koni, District – Bilaspur, Chhattisgarh for the offence punishable under Section 307 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 30.10.2017 and has been falsely implicated in this case. No case is made out for the offence under Section 307 of the Indian Penal Code according to the material present in the charge-sheet against this applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the injuries caused to the victim in this case are of grievous nature. Hence, the applicant is not entitled for grant of bail.

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

5. According to the prosecution case, on the date of incident, on account of previous enmity the applicant assaulted victim – Govind Ram with a club causing injuries on his head and left leg. On medical examination, the injury on leg was found to be grievous in nature. Hence, this case.

6. After considering the entire material in the case-diary and there is no specific report of the examining doctor that the injuries caused to the deceased were sufficient to cause death in ordinary course of nature, I am of the considered opinion that the applicant deserves to be released on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge