

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 287 of 2018**

Rajkumar Kashyap, Aged About 22 Years, Caste Bhatra, R/o. Village Khatepara, Kudkanar, Police Station -Kotwali Jagdalpur, District Baster, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -Kotwali, Jagdalpur, District -Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For State/respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**15/03/2018**

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.482/2017, registered at Police Station – Kotwali, Jagdalpur, District – Bastar (C.G.), for the offence punishable under Section 294, 307 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Injured in this case Mannu has not suffered any injury, which was sufficient to cause death in ordinary course of nature. No case is made out under Section 307 of I.P.C. Applicant is in jail since 20.12.2017, presently charge-sheet has

been filed before the trial Court and the trial against the applicant is likely to take sometime for its conclusion. Therefore, the counsel prays that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that injury was caused on the head of the injured Mannu and in the CT scan report, extra corneal soft tissue fullness was noted with external injury, hence this could have been fatal, hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. On the date of incident, this applicant was quarreling with his brother at that time, the injured Mannu tried to intervene and he was assaulted by this applicant by an axe causing injuries on his head.
6. Considered the submissions made and the contents of the case diary. The injured was admitted to the hospital on 12.12.2017 and was discharged on the next day. As there is no report by examining doctor that injury caused to the deceased could have been fatal and that the nature of injury was such which could have caused death in ordinary course of nature, hence for this reason, 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram