

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 203 of 2018

- Rajendra Kumar Sharma S/o Late Kaliram Sharma, Aged About 52 Years R/o Village Dodaki P. S. Masturi, District Bilaspur At Present R/o Pamgarh P. S. Pamgarh District Janjgir Champa Chhattisgarh , Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ajak Janjgir Pamgarh District Janjgir Champa Chhattisgarh, Chhattisgarh.

---- Respondent

For the applicant : Shri Dheerendra Pandey,
Advocate

For the Respondent/State : Ms. Smita Ghai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23.02.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 11/2016, registered at Police Station – Ajak, Janjgir, District – Janjgir – Champa, (C.G), for the offence under Section 323, 325 of the Indian Penal Code and Section 3 (1) (r) (s) Scheduled Castes and Scheduled Tribes, Act.

2. Learned counsel for the applicant submits, that the applicant has falsely been implicated in this case. He is a public servant in Primary Health Center, Bhaiso. As the applicant has filed a complaint that complainant had entered in the hospital and assaulted him, because of this, false FIR has been lodged against him by the complainant, no case is made out against him. The present applicant is in jail since 16.10.2017 and ready to abide by the conditions which may be imposed upon him while granting bail, hence, it is prayed that the applicant may be released on bail.
3. Learned counsel for the State opposes the bail application and submits that earlier the wife of the complainant had lodged FIR against the present applicant, on the basis of which offences under Section 354, 506, 509 were registered against him, he has repeatedly committed offence, because of which, he is not entitled for grant of bail.
4. Learned counsel for the applicant in reply submits that the present applicant has been granted bail by this Court in the previous case registered against him, hence, he is entitled for grant of bail.
5. Heard counsel for both the parties and perused the case diary.
6. On the date of incident the complainant and his brother-in-law had been to Primary Health Center, Bhaiso and talked with this applicant and warned him not to do loose talk about his wife, because of which, the applicant got angered and abused the complainant and other using words insulting to their caste name and also assaulted both of them causing injuries,

because of which complainant suffered a fractured and his brother-in-law got simple injury.

7. Considered on the submission and contents of the case diary, the applicant is in detention since quite some time, after filing of the charge-sheet no purpose would be served, if the, applicant is kept in detention, till the completion of the trial, hence, this Court is of the opinion that this is a fit case, where the applicant is entitled for grant of bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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

Jamal