

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8067 of 2017**

Manoj Kaushik, S/o. Raja Ram Kaushik, Aged About 40 Years, R/o. Village Ganiyari, P. S. Kota, Tahsil -Takhatpur and District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : P. S. Kota, District -Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Ms. Savita Panjabi, Advocate

For State/respondent : Mr. Aaditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/03/2018**

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.238/2017, registered at Police Station – Kota, District – Bilaspur (C.G.), for the offence punishable under Section 294, 506, 323, 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. No case is made out on the basis of the material present in the charge-sheet filed against him. The injured has suffered only one incised wound in pinna of right ear, hence the case has no gravity even then the applicant is being prosecuted for offence under Section 307 of the Indian Penal Code.

Applicant is in jail since 24.08.2017 and is ready to abide by all the conditions, which may be imposed while releasing him on bail. 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, if the, complainant had not moved himself seeing the blow of sword coming towards him from the hands of this applicant, death would have been certainly caused, 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. Case of the prosecution in brief is that FIR was lodged by the complainant – Sandeep Yadav that on the date of incident, he was sitting with his friend in the lane in front of his house, the applicant came on the spot in inebriated condition and by using abusive words for the complainant, he assaulted the Krishna Kumar with rod, thereafter, he assaulted the complainant with the sword causing injuries to both of them.
6. The injuries caused to the complainant though reported as grievous, but there is no such report that injury is fatal in nature. According to the submission made by the counsel for the applicant, the applicant was also injured in the same incident because of which, he was required to be hospitalized and treated.
7. Considered the submissions made and the contents of the case diary. Considering the entire material present in the case diary and that the

injuries caused to the injured person in the case is not reported as fatal by any of the examining doctor, 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.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicant shall be released on bail on their 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