

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 55 of 2018**

1. Rajkumar Kurre S/o Jethuram Aged About 30 Years R/o Daukapa P. S. Jarhagaon, Dist- Mungeli Chhattisgarh, Chhattisgarh
2. Sheetal Kurre S/o Late Jethuram Kurre, Aged About 34 Years R/o Daukapa, P. S. Jarhagaon, Dist. Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer Jarhagaon, Dist Mungeli Chhattisgarh.

---- Respondent

For the Applicants : Shri Akhtar Hussain, Advocate.
 For the Respondent/State : Shri Vivek Singhal, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.03.2018**

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 applicants who have been arrested in connection with Crime No.288 of 2017, registered at Police Station – Jarhagaon, District – Mungeli, Chhattisgarh for the offence punishable under Section 326 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 26.11.2017 and they have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. The trial has commenced after filing of

charge-sheet. The injured victim in this case has been examined, who turned hostile and has not given any adverse statement against these applicants. Hence, it is prayed that the applicants be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the other eyewitnesses in this case are yet to be examined, hence, no inference can be drawn only on the basis of the statement of injured victim - Santosh Gadariya. Hence, it is prayed that the applicants are not entitled for grant of regular bail.

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

5. On the date of incident, it is alleged that both these applicants alongwith one another assaulted injured - Santosh Gadariya with the handle of an axe causing grievous injury i.e. fracture in his clavicle bone. After lodging of FIR, the case has been registered against the applicants. Hence, this case.

6. Considering the material present in the case-diary and also perusing the certified copy of the statement of the complainant before the concerned Court according to which he has not supported the case of the prosecution and the trial of the case is likely to take sometime for its conclusion, I am of the considered view that no purpose would be served if the applicants are kept in detention for the whole period of trial. Hence, this application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge