

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 69 of 2018

- Hanuman S/o Govind, Aged About 35 Years, R/o By Caste Pav, R/o Village Ghaghra, Thana Kelhari, Tahsil Manendragarh, District Koriya Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station Kelhari, District Koriya Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Shri Parag Kotecha, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 08-07-2017 in connection with Crime No.4/2017 registered at P.S. Kelhari, District Koriya, Chhattisgarh for the offence under Section 294, 506, 326, 307 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out for the offence of attempt to commit murder according to the material present in charge sheet filed against the applicant. He is in jail since 08-07-2017 and ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that no case is made out for grant of bail to this applicant.
4. Heard learned counsel for the parties and perused the case diary.
5. On the date of incident, on account of some dispute the applicant assaulted his own mother with axe on her head causing one injury on her

head. After lodging of the FIR, this case has been registered against this applicant.

6. Considered on the submissions made and contents of the case diary.

7. Considered on the material present in the case diary. According to the medical report, only one incised wound has been caused on the head of injured Sirvanti Bai, although it is reported as grievous, but there no explanation of gravity of the injury in accordance with definition under Section 320 of the IPC, further, there is no such report that the injury caused to the injured person was sufficient to cause her death in ordinary course of nature, hence, for these reasons, I am of this view that the applicant should be released on regular bail during pendency of the trial against him.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge