

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 526 of 2018**

Govind Ram, S/o. Dahru Ram, Aged About 45 Years, Caste- Korwa, R/o. Village Kudapani, Thana- Pathalgaon, District -Jashpur, Chhattisgarh, Civil And Revenue District -Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, P. S. Pathalgaon, District -Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Chauhan, Advocate

For State/respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**21/03/2018**

1. This is the second 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.185/2017, registered at Police Station – Pathalgaon, District – Jashpur (C.G.), for the offence punishable under Section 506 (B), 307, 114, read with Section 34 of the Indian Penal Code. The first bail application was dismissed as withdrawn vide order dated 14.12.2017 in M.Cr.C. No. 7237/2017.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 20.09.2017. Complainant in this case has been examined before the concerned trial Court, who has turned hostile and not supported the case of the prosecution. No case is made out against the applicant. Therefore, prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The allegation against this applicant is that the applicant with intent to commit murder of the complainant – Chamar Sai assaulted him with an axe causing fatal injury to him along with threat to cause his death.
6. Considered on the submissions made and the contents of the case diary. Considering the entire material present in the case diary, the medical report of the complainant shows one incised wound on head but there is no report that the injury caused to him was fatal in nature. Further the hostility of the complainant before the trial Court has an impact, 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