

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 830 of 2018

- Ramphal Joshi S/o Kheekhrum Satnami, Aged About 25 Years, R/o Semradih, Police Station Bilaigarh, District Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Bilaigarh, District Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Singh Rajput, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-05-2018

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 27-10-2017 in connection with Crime No.95/2014 registered at P.S. - Bilaigarh, District Balodabazar-Bhatapara, Chhattisgarh for the offence under Section 294, 506B, 324, 307 of the IPC and Section 25, 27 of Arms Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 27-10-2017. The trial against him is still pending. No case is made out against him for the offence under Section 307 of the IPC as the victim in this case was admitted in the hospital only for four days and was discharged. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant has caused five injuries to the victim with sword and one injury to another witness, which shows the gravity of the case, hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the case of prosecution, on 03-04-2014 the applicant because of some dispute with victim Dwas Bai assaulted her with sword causing injuries on her hands, legs and back. Complainant Santoshi Bai came to intervene and she was also assaulted and injured by him with the sword. On medical examination incised wound were found on the body of the victim and the complainant. Charge sheet was filed on 27-07-2015 in abscondence of this applicant and he was arrested later on, on warrant of arrest.
6. The trial against this applicant is still pending and on perusal of the medical report of the victim and the complainant, it appears that none of the injuries have been caused on the vital part of the body, hence, charge under Section 307 of the IPC against this applicant appears to be defendable, hence, for these reasons, I am of this view that this applicant should be released on bail during pendency of the trial against him.
7. 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge