

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 506 of 2018**

Subhash Pandey @ Pintu Pandey S/o Radhelal Pandey Aged About 27 Years R/o Bhaismuda, Police Station Uрга, Tahsil Kartala, District Korba, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through The Station House Officer, Chowki Jootmil, Police Station City Kotwali, District Raigarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri P.P. Sahu, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.03.2018**

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 applicant who has been arrested in connection with Crime No.512 of 2017, registered at Police Station – City Kotwali, Bilaspur, District – Raigarh, Chhattisgarh for the offence punishable under Section 307 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 7.12.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. There is no report as to the nature of the injuries sustained by complainant – Rameshwar Nirmalkar being fatal. The applicant is ready to abide by all the conditions that may be imposed on him. Hence, it

is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that looking to the direct evidence against this applicant, he is not entitled for grant of regular bail.

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

5. The case is of love triangle. The applicant and the complainant both were in love with one girl – Anita Dubey @ Annu, on account of which, an altercation took place between the applicant and the complainant. It is alleged that the applicant assaulted the complainant with a knife causing injuries on his neck and chest.

6. Perused the contents of the case-diary. The medical examination report which is part of the case-diary although shows one injury on the neck of the complainant but looking to its description it cannot be said that the injury was fatal in nature.

7. Considering the material present in the case-diary and taking into consideration the fact that the charge-sheet has been filed and the trial is likely to take some time for its final disposal, I am of the considered opinion that the applicant deserves to be released on 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 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge