

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7611 of 2017

- Heera Singh @ Chaitram Thakur S/o Late Shri Brijlal Aged About 45 Years By Caste Gond, R/o Village Pandarikhar, Thana - Tendukona, Tahsil Pithoura, Civil And Revenue District Mahasamund Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station Housse Officer, Police Station Tendukona, District Mahasamund Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate.
For Respondent : Mr. Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 101/2017, registered at Police Station- Tendukona, District – Mahasamund(C.G.) for the offence punishable under Sections 326 & 506 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 23.10.2017. No case is made out against him on the basis of the material in the charge-sheet filed against him. The trial against the applicant is still pending and a number of witnesses are remaining to be examined. Applicant is local resident of District-Mahasamund and he is willing to abide by all

the conditions and direction, which may be imposed on him while granting bail. Hence, it is prayed that applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. On the date of incident, applicant on account of some dispute regarding property assaulted Smt. Phool Bail Thakur his mother with the help of kudari (small pick axe) causing grievous injury on her shoulder and wrist joint. After lodging of FIR, the case has been registered against this applicant.
6. Considered.
7. As the applicant is in jail since 23.10.2017 and the trial against him is still pending and there is no report regarding any grievous injury. Hence, it appears that no purpose would be served if the applicant is kept in detention till the conclusion of trial, hence, it is a fit case for grant of bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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