

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 596 of 2018**

Shyamjatan Cherva, S/o Late Shri Sonsai, Aged about 65 years, Occupation Agriculture, R/o Gram Kaliba, P.S. Gandhi Nagar, District Surguja (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station Gandhi Nagar, District Surguja (C.G.)

---- Non-applicant

For Applicant	:	Mr. Jitendra Shrivastava, Advocate.
For Non-applicant/State	:	Mr. Ashish Surana, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****22/03/18**

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.239/2017 registered at Police Station Gandhi Nagar, Distt. Surguja (C.G.) for the offence punishable under Sections 294 and 326 of the Indian Penal Code.
2. Case of the prosecution in brief is that the applicant caused grievous injury to the complainant by an axe and thereby he has committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence, he has been falsely implicated in crime in question, he is an old man of 65 years of age and he is in custody since

10-08-2017, charge-sheet has already been filed and no useful purpose will be served by detaining him in jail, therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of the offence, pre-trial detention and the charge-sheet has already been filed, 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. 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 trial Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge