

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 732 of 2018**

Surjeevan Ram, S/o Shri Bandhu Ram, Aged 40 years, Gram : Khajuri,
Thana : Darima, District - Surguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station - Darima, District Surguja
(C.G.)

---- Non-applicant

For Applicant	:	Mr. Anurag Dayal Shrivastava, Advocate.
For Non-applicant/State	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****26/03/18**

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.134/2017 registered at Police Station Darima, Distt. Surguja (C.G.) for the offence punishable under Sections 294,506-B, 323, 324 and 307 of the Indian Penal Code.
2. Case of the prosecution in brief is that the applicant assaulted the complainant by an axe by which the complainant suffered injury on his head which was sufficient to cause of death.
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, no fracture has been found on the head of the complainant, they

are neighbours and he is in custody since 06-11-2017, 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, no fracture is found on head of the complainant 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