NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 680 of 2018

Bihari Lal Baiga S/o Shri Khathu Baiga Aged About 55 Years R/o Village Kundra P. S. Janakpur, Tehsil Bharatpur, Civil And Revenue District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Janakpur Civil And Revenue District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Adil Minhaj, Advocate.
For the Respondent/State : Shri Vivek Singhal, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

27.03.2018

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.85 of 2017, registered at Police Station – Janakpur, Civil & Revenue District – Koriya, Chhattisgarh for the offence punishable under Sections 307 and 324 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 25.8.2017 and has been falsely implicated in this case. No case is made out for the offence under Sections 307 and 324 of the Indian Penal Code, according to the material present in the charge-sheet against this applicant. After completion of investigation, the charge-sheet has been filed. 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 there is a query report from the doctor stating that if immediate treatment was not provided to the complainant/ victim the injuries could have proved fatal. Hence, no case is made out for grant of regular bail to the applicant.

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

5. The allegation against the applicant is that on the date of incident when the complainant was sitting in his fielf for watching his crops, then the buffalo of the applicant entered in his field, which was objected to by the complainant because of which, the dispute took place. The applicant assaulted complainant – Gorelal Baiga with an axe causing one injury of incised wound on his head. After lodging of FIR, the case has been registered against the applicant.

6. Considered the entire material of the case-diary. Although, there is query report that the injury could have proved fatal if not treated immediately., however, it is not mentioned that, it was sufficient in the ordinary course of nature to cause death of the complainant. Apart from that, there is no MLC report and injury report to show that the injury caused had any deeper impact. Hence, for these reasons, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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

Nimmi