

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7827 of 2017

- Suresh Kumar Kanwar S/o Surbhavan Singh Kanwar Aged About 30 Years Caste Canwar R/o Village Singhali Basti Police Station Banki Mongra District Korba Chhattisgarh. , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Banki Mongra District Korba Chhattisgarh. , Chhattisgarh

---- Respondent

For Applicant : Mr. Ram Kumar Tiwari, Advocate.

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer.

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

22/02/2018

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. 102/2017, registered at Police Station- Banki Mongra, District – Korba(C.G.) for the offence punishable under Sections 458, 307 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. The offence under Section 307 of IPC is not made out on the basis of the material present in the charge-sheet. Applicant is in jail since 10.8.2017 and he is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that grievous injuries were caused by this applicant to the witness, hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. On the date of incident, on account of previous enmity and dispute, applicant forced his entry into the house of the injured Ram Khilawan, Krishna Bai and Firantin Bai and assaulted them with rod causing injuries to them. On medical examination, Ram Khilawan and Krishna were found to have suffered fracture on their hands. After lodging of FIR, the case has been investigated and charge-sheet has been filed.
6. Considered.
7. The prosecution under Section 307 of IPC shall be put to question before the trial. At present, looking to the material present in the case diary, I am of this view that applicant should be enlarged on regular bail.
8. Accordingly, the first 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