

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 895 of 2018

Ishrat Khan S/o Shahid Khan, Aged About 34 Years Caste Musalman, R/o
Beside Of Quarter No. A/652, Bagdeva Colony (Dhelwadih), Police Station
Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Katghora, Civil And Revenue District Korba Chhattisgarh, District : Korba,
Chhattisgarh

---- Respondent

For Applicant	:	Shri P.K. Patel, Advocate
For Respondent/State	:	Shri Satish Gupta, G.A.
For Objector	:	Shri Vijay K. Sahu, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/04/2018

Heard.

1. The applicant has been arrested in connection with Crime No.251 of 2017 registered at Police Station- Katghora, District Korba (CG) for the alleged commission of offence under Section 294, 506 part II, 307 of IPC.
2. Case of the prosecution is that the applicant with intention to cause death assaulted to victim with the help of a club resulting in head injury.
3. Learned counsel for the applicant would submit that even if the entire case of the prosecution is accepted, a prima facie case for commission of offence under Section 307 of IPC would not be made out. He would submit that injury in normal course was not likely to cause death as there is no fracture injury on the head nor any other injury which without treatment would have been fatal. He would further submit that the applicant is in jail since 24.08.2017, investigation is complete and charge-sheet has been filed and there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses, therefore, he may be granted bail.

4. On the other hand, learned counsel for the State and Objector oppose the bail application by submitting that the applicant had come to the house of the victim in the night and gave a blow on the head when the complainant asked for payment of balance amount towards supply of utensils.
5. Having considered the submissions of learned counsel for the parties, period of detention and the nature of injury particularly that there is no fracture injury, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge