

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7487 of 2017

- Rajesh Sahu S/o Mahesh Ram Sahu, Aged About 40 Years, R/o Sarwani (Ba.), Police Station Baradwar, Tahsil Sakti, District Janjgir-Champa Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Baradwar, District Janjgir-Champa Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri Kamlesh Kumar Pandey, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-01-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 07-11-2017 in connection with Crime No.213/2017 registered at Police Station Baradwar, District Janjgir-Champa, Chhattisgarh for the offence under Section 294, 506, 323, 326, 341, 34 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. Charge sheet has been filed after completion of the investigation. The applicant is in jail since 07-11-2017. No offence is made out against the applicant under Section 326 of the IPC, because of which, he has been detained in jail. Hence, it is prayed that the applicant may be released on bail during trial.
3. Learned counsel for the State/non-applicant opposes the application and submission made.
4. Heard learned counsel for the parties and perused the case diary.
5. As the case is, because of land dispute the applicant assaulted Krishna

Kumar Sahu and Rambai with a club and axe causing various injuries to them. The incised wound caused on the forearm of injured Krishna Kumar Sahu has been reported as grievous in nature by the examining doctor, because of which, the offence under Section 326 of the IPC has been added.

6. Considered on the submissions made and contents of the case diary.

7. The gravity of the injury as reported by the examining doctor does not find support with the definition of grievous injury under Section 320 of the IPC. Hence, considering the facts and circumstances of this case, I am of this view that the applicant deserves to be enlarged on bail.

8. Consequently, the application (MCRC No.7487/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge