

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1256 of 2018

- S. Anand @ Monu S/o S. Prasad, Aged About 23 Years, R/o.- Sector-04, Street 35, Qtr. No. 2, Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through - District Magistrate Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Amiyakant Tiwari, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 01-11-2017 in connection with Crime No.168/2017 registered at P.S. - Bhilai Bhatti, District- Durg, Chhattisgarh for the offence under Section 294, 506B, 323, 307/34 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 01-11-2017. No case is made out against the applicant, according to the prosecution case. Trial against the applicant is pending before the concerned Court which is likely to take some time before its conclusion. Hence, it is prayed that the applicant may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that looking to the direct evidence against him, the applicant is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on the date of incident the applicant

and one co-accused Pappu Kade both assaulted complainant Kamlesh Deshlahre firstly with hands and fists and then this applicant took out a sharp and pointed weapon and assaulted the complainant causing injury on the left side of his neck. After lodging of the FIR, the case was registered against this applicant and one other.

6. Considered on the entire material present in the case diary. Also specifically perused the medical report of the injured complainant, although there is report that the injury could have been fatal if not treated immediately, but not in such words that the injury could have been sufficient to cause death in the ordinary course of nature. Apart from that, the victim was discharged after a few days. In these circumstances and also for the reason that the trial against this applicant is likely to take some time before its conclusion, I am of this view that this applicant should be released on bail during pendency of the trial against him.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge