

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1354 of 2018**

Laxman Yadav, S/o. Raju Yadav, Aged About 19 Years, R/o.- Dipupara, Police Station Tarbahar, Tehsil And District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through- The Police Station Tarbahar, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.S. Baghel, Advocate

For Respondent/State : Ms. Smita Ghai, P.L. .

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**09/03/2018**

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.18/2018, registered at Police Station – Tarbahar Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 294, 323, 506, 324, 307/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The offence under Section 307 of Indian Penal Code registered against this applicant and others is not made out. It is submitted that no such injury was caused to the injured persons which can be regarded as fatal in nature. It is

further submitted that the applicant is student of Class-10th, hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant was actively engaged in the incident with the main accused Raja Yadav in threatening to cause death of the injured Pradeep Kumar Gandharva and thereafter he was in company of the main accused when he caused the injuries with knife, hence he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. On the date of incident at about 11 PM in the night because of some previous enmity, applicant along with main accused Raja Yadav and others engaged in fight with injured Pradeep Kumar Gandharva and others. It was at that time, main accused Raja Yadav assaulted the injured Pradeep Kumar Gandharva with knife causing him 9 injuries and he also caused two injuries to another person on the same knife at the same time, this applicant assaulted the injured persons with a club. On FIR lodged by complainant, case has been registered against this applicant.
6. Considered the submissions made and the contents of the case diary. According to the medical report of the injuries found on the body of the injured were incised wound and there is no such report by the examining doctor that such injuries could have been fatal in nature. As there is no criminal antecedents against this applicant and looking to his tender age and he is student, only for this reason, this Court is of

the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram