

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1353 of 2018

- Tuleshwar S/o Tulsay Aged About 20 Years R/o.- Village- Batra, Outpost- Karanji, Police Station- Vishrampur, Tahsil Bhaiyathan, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Vishrampur, District-Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-04-2018

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 08-01-2018 in connection with Crime No.04/2018 registered at P.S. - Vishrampur, District- Surajpur, Chhattisgarh for the offence under Section 294, 506, 323, 307 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 08-01-2018. Charge sheet has been filed after completion of the investigation, the trial is likely to take some time before its conclusion. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, on the date of incident this applicant raised a quarrel with complainant/victim Naresh Dewangan saying that he wants to elope with his sister and then all of sudden he picked-up a spade and

assaulted him causing injury from the blunt side of the spade on his head which was in the shape of multiple fracture on the frontal bone.

6. Upon perusal of the case diary, it appears that there is no such report of the examining doctor that the injury caused to the victim was sufficient to cause death in ordinary course of nature, hence, for this reason and also for the reason that 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