

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6407 of 2017

- Ramkumar Rathiya S/o Shivnath Rathiya, Aged About 45 Years, Caste Kanwar, R/o Village Geraon, Police Station Kartala, Tahsil and District Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kartala, District Korba, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vimlesh Bajpai, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-01-2018

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 30-06-2017 in connection with Crime No.45/2017 registered at P.S. Kartala, District Korba, C.G. for the offence under Section 307, 294 and 506B of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out under Section 307 of the IPC, rest of the offences registered are bailable in nature. The applicant is in jail since 30-06-2017. He is willing to comply with all the conditions imposed on grant of bail. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the injured in this case was caused injury by using axe, which has caused grievous injury to the injured, which resulted in her hospitalization for 11 days. Hence,

the applicant is not entitled for grant of bail.

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

5. On the date of incident on account of dispute regarding land, the applicant assaulted injured Samari Bai with the axe causing injuries on her right arm, back of the neck and right scapular region. Bony injury was sustained on the left arm in the form of fracture of the humerus bone. The case has been investigated and charge sheet has been filed.

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

7. On considering the medical report, it appears that there is no such specific report that injury caused to the injured could have been fatal in ordinary course of nature. Hence, for these reasons, in the considered view of this Court, the applicant deserves to be enlarged on bail in the present matter.

8. Consequently, the application (MCRC No.6407/2017) 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