

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1564 of 2018

- Rakesh Kumar Keshari S/o Sarju Prasad Keshari Aged About 25 Years
R/o Warthcon Company Rasmada, Police Station Pulgaon, Chowki,
Anjora Tehsil And District Durg, Chhattisgarh., District : Durg,
Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Pawan Kesharwani, Advocate.
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

17/05/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.338/2017, registered at Police Station– Pulgaon, Chowki Anjora, District– Durg(C.G.) for the offence punishable under Sections 294, 506B, 323 & 307 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The offence under Section 307 of IPC is not made out against this applicant according to the material present in the charge-sheet filed against him. Applicant is in jail since 02.01.2018. Hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that according to the medical report injury caused to the victim in this case was life threatening, hence, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident this applicant on account of some previous enmity at first abused and threatened the injured Pawan Kumar and then assaulted him with metal pipe causing injuries on his head. On medical examination, the report says that the injured had suffered depressed fracture on his skull on that basis it is reported by the doctor the injury could have been fatal.
6. Considered on the entire material present in the case diary, there is nothing stated in CT Scan report that the injured had suffered any internal head injury involving his brain, hence, medical report about effect to life by the concerned doctor is debatable. Apart from that this applicant does not have any criminal antecedent, for this reason, I am of this view, that this is a fit case where the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on him furnishing a personal bond for a sum of Rs.25,000/-with one surety in the like sum to the satisfaction of the concerned trial Court, for him appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge