

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1742 of 2018

- Sairam S/o Late Lagda, Aged About 48 Years R/o Pahadi Korwa, R/o Dambhatha, Village Devpahri, Tahsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. P.K. Tulsyan on behalf of Mr. Anil Gulati, Advocate.
For Respondent/State : Mr. Anant Bajpai, Panel Lawyer.

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

27/04/2018

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.12/2017, registered at Police Station- Lemru, District – Korba(C.G.) for the offence punishable under Sections 294, 323, 506B & 307 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Applicant is in jail since 11.09.2017. No case is made out under Section 307 of IPC according to the material present in the charge-sheet. The trial against the applicant is still

pending, 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.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, this applicant assaulted complainant Sodhi Ram with blunt side of the axe causing injury on his head because of which he was required to be hospitalized for 4 days. After lodging of FIR, offence has been registered against this applicant.
6. Perused the case diary apart from the injury present on head, there is no such report of the examining doctor that complainant had suffered any grievous injury and neither there is any such report that the injury caused applicant could have been fatal or was sufficient to cause death in ordinary course of nature.
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 his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha