

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 1948 of 2018**

Ajay Sunhare, aged about 37 years, son of Raghunandan, caste Satnami, resident of village Ghuru Ameri, Police Station Chakarbhatha, District Bilaspur (CG)

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station – Chakarbhatha, District Bilaspur (CG)

---- Respondent

For Applicant	:	Ms. Nirupama Bajpai, Advocate
For Respondent/State	:	Ms. Sunita Jain, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****26/04/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 12.02.2018 in connection with Crime No. 571/2017 registered at Police Station- Chakarbhatha, District Bilaspur (CG) for the offence punishable under Sections 147, 148, 294, 323, 506, 307, 149 of IPC and 25 & 27 of Arms Act.

2. The case, as per the prosecution against the present applicant, is that he along with four other accused persons is said to have assaulted the complainant Jitendra Singh Thakur on 19.12.2017.

3. Counsel for the applicant submits that the complainant's FIR which was registered on the same day does not bear the name of the applicant and it is only while recording the name of the accused persons that his name has been added. Subsequently, in the statement under Section 161 CrPC recorded after two days, the name of the applicant has been added by the complainant and other witnesses and as such there was no active

participation of the present applicant in the assault made on the complainant. She further submits that even otherwise, the injuries caused to the complainant are all simple in nature and the applicant has already remained in custody for a period of more than 2 months, therefore, he may be released on bail.

4. State counsel, however, opposing the bail application submits that it is a case where the applicant ganged up along with 4 other persons and assaulted the complainant with sword, Lathi and fist blows and in the course, the complainant has also received incised injuries on his body. Thus, considering the nature of offence, the present applicant does not deserve to be released on bail.

5. Considering the entire version of the prosecution and also taking note of the nature of injury sustained by the complainant, more particularly the period of custody undergone by the applicant, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**