

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2002 of 2018**

Rajaram S/o Dukhiram Sahu Aged About 54 Years R/o- Village Pandhidih,
Police Station Nawagarh, District- Bemetara, Chhattisgarh., District :
Bemetara, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through- Station House Officer, Police Station
Nawagarh, District- Bemetara, Chhattisgarh., District : Bemetara,
Chhattisgarh.

---- Respondent

For the Applicant : Shri P.P. Sahu, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.05.2018**

Heard.

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.209 of 2017, registered at Police Station Nawagarh, District Bemetara, Chhattisgarh for the offence punishable under Section 307/ 34 of the Indian Penal Code and Section 25 of the Arms Act.
2. Learned counsel for the applicant submits that the applicant is in jail since 14.11.2017 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The co-accused persons, namely, Kuleshwar Sahu and Sultana Bai have been granted regular bail by this Court in

M.Cr.C. Nos. 7769 of 2017 and 7914 of 2017 dated 20.2.2018. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant happens to be the main assailant in this case who by using a sharp edged object, an agricultural harvesting tool caused injuries on the body of the complainant with intention to cause his death. Hence, it is prayed the applicant is not entitled for grant of bail.

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

5. According to the prosecution case, on the date of incident, complainant – Rohit Sahu, Sarpanch of Gram Padkidih/ Marka was engaged in removing the encroachment with his team. It was at that time, this applicant and the co-accused persons started quarreling with him. It is alleged that co-accused - Sultana Bai caught hold the complainant and co-accused - Kuleshwar Sahu assaulted him. The present applicant assaulted the complainant with a sharp edged *gandasa* (harvesting tool) and caused injuries to the complainant.

6. Taking into consideration the fact that the co-accused persons in this case have been granted bail by this Court and the medical report which shows that no injury was caused to the complainant on any vital part of the body, hence, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge