

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2021 of 2018

- Vijay Markam S/o Goverdhan Aged About 29 Years R/o- Basantpur, Rajnandgaon, Police Station- Basantpur, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Basantpur, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

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MCRC No. 2023 of 2018

- Vijay Markam S/o Goverdhan Aged About 29 Years R/o- Basantpur, Rajnandgaon, Police Station- Basantpur, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Basantpur, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Mr. B.P. Singh, Advocate.
For Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

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

20/06/2018

1. Both are the first bail applications of the applicant filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the

applicant as he has been arrested in connection with Crime No. 16/2018 in MCRC No.2021/2018 and Crime No. 15/2018 in MCRC No.2023/2018 registered at Police Station- Basantpur, District– Rajnandgaon(C.G.) for the offences punishable under Sections 294, 324, 326 & 506 of Indian Penal Code (for short 'IPC').

2. Learned counsel for the applicant submit that applicant has been falsely implicated in this case. Applicant is in jail 6.1.2018. After completion of investigation, charge-sheet has been filed and he is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.
3. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that the offences committed by this applicant are of grievous nature and apart from that he has a criminal history having being prosecuted in 7 previous cases under the various provisions of IPC and Excise Act and also on 7 occasions preventive proceeding has been taken against him under the provisions of CrPC, hence, he is not entitled 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 and the complainant Mahendra Vasnik in Crime No.16/2018 and another complainant Vikas Das had some dispute with applicant because of which this applicant took out some sharp object and used the same to assault and cause incised wound on the facial part of both the complainants. Examining doctor has opined that the injuries caused to the complainants are grievous in nature. Hence, this case.

6. According to case diary, no seizure of weapon was recovered from the present applicant, although this applicant has criminal antecedents. Counsel for applicant submits that preventive proceedings against the applicant has terminated and out of 7 other cases he has been acquitted in two cases and remaining cases in which present applicant is being tried he is on bail.
7. Considered on all the material present in the case diary, after filing of charge-sheet, no purpose would be served if the applicant is kept in detention till the conclusion of trial, for this reason, I am of this view that this is a fit case where applicants should be released on regular bail.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge