

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2049 of 2018

- Bhola Chouhan S/o Bhagwat Singh Chouhan Aged About 22 Years
R/o- Behind Shiv Complex, Kapa, Mowa, Post Office, Raipur, Police
Station- Pandri, Raipur, Tahsil And District- Raipur, Chhattisgarh.,
District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police
Station- Vidhan Sabha, District- Raipur, Chhattisgarh., District : Raipur,
Chhattisgarh

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate.
For Respondent	:	Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/07/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.285/2017 registered at Police Station- Vidhan Sabha, District – Raipur(C.G.) for the offence punishable under Sections 307 & 147/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 2.2.2018. After filing of charge-sheet, the case is before the trial Court

and the main witness the injured Raju Baghel has been examined, who has not supported the prosecution case. 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 prosecution case, on the date of incident Prabhu Hateele, Satish Nayak and victim Raju Baghel were having some dispute and at the same time this applicant was present on the spot. All of sudden he took out a sharp edged weapon and assaulted Raju Baghel causing fatal injury on his abdomen. Hence, this case.,
6. Considering the contents of the case diary and also perused the certified copy of the deposition of injured Raju Baghel recorded before the trial Court, in which, he has made no adverse statement against this applicant and he also not been declared hostile by the prosecutor, hence, looking to this development in the trial against this applicant, I am of this view that this 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 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 trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge