

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2067 of 2018**

M. Subham Achari, S/o. Shri R. Murgesh Achari, Aged About 24 Years, R/o.- Subham Vihar, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Police Station Civil Line, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. T.K. Jha, Advocate
For State/respondent	: Mr. Anant Bajpai, P.L.
For Objector	: Mr. V.R. Tiwari, Mr. C.K. Kesharwani, Mr. Devesh G. Kela, Mr. Vipin Singh, Advocates

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**01/05/2018**

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.11/2018, registered at Police Station – Civil Line, Bilaspur, District – Bilaspur (C.G.), for the offence punishable under Section 307, 397, 459 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 07.01.2018. No case is made out against him according to the material present in the case. After FIR was lodged, this applicant was apprehended and tortured by the police to extract memorandum statement and the articles that has been recovered have no

connection with the stolen property. It is further submitted that a complaint was given by the mother of the applicant to the police that police had not investigated about the real culprits involved in this incident and have falsely implicated her son. The applicant is ready to abide by all the conditions that may be imposed while enlarging him on bail. 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 submission made in this respect. It is submitted that this applicant has made confessional statement and he has been identified in test identification parade by the victim in this case. The offence that has been committed is of grievous in nature. Hence, no case is made out for grant of bail.
4. Counsel for the objector submits that an old lady of 85 years has been assaulted with sharp weapon with intention to cause her death for the purpose of committing offence of loot. This kind of incident creates insecurity in society. According to memorandum statement given by the applicant, the incident was well planned by him. Hence, he is not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, FIR was lodged against unknown person that on 03.01.2018 at about 13.30 PM, when the victim Smt. Triveni Singh was alone in her house, a young man, who has covered his face with clothes came to her house on pretext of checking the electricity meter. Thereafter, he brandished a knife and rod and threatened the victim with life and then also assaulted her with knife in

her neck causing injuries to her. Some cash and jewelery were stolen by the same person. During the investigation, this applicant has given memorandum statement and at the instance of this applicant, some articles have been recovered from him. Another connected evidence is the identification of this applicant in the test identification parade by the victim.

7. Considered the submissions made and contents of the case diary. After considering the entire material present in the record and specifically the medical report, which shows that victim was assaulted on the vital parts of the body with sharp edged weapon, which shows that prima-facie case is made out regarding the offence of attempt to commit murder. Hence for this reason, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge