

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2477 of 2018**

Pratap Thakur, S/o. Ram Khilawan Rajput, Aged About 20 Years, R/o.- Near Church, Raipur Naka, Durg, Tahsil and District- Durg, Chhattisgarh. Permanent Address- Bhawani Pattnam, Nuaapada, Orissa.

---- Applicant**Versus**

State Of Chhattisgarh, Through- Police Chowki- Padnabhpur, Police Station- Durg, District- Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate

For State/respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**16/05/2018**

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.799/2017, registered at Police Station – Durg, Police Chowki- Padnabhpur, District – Durg (C.G.), for the offence punishable under Section 341, 294, 506-B, 323, 327, 325 read with Section 34 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. Applicant is in jail since 23.10.2017 and the trial against him is still not completed. Case is triable by Judicial Magistrate First Class. Hence, it is prayed that the

applicant be granted regular 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 the applicant is resident of Orissa and also looking to the seizure of property from this applicant, he is not entitled for grant of bail
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case on the date of incident, the complainant was traveling on his bike to his place of residence, when he was stopped by this applicant and other co-accused persons and all of them demanded money from the complainant for buying liquor, when the complainant refused to give money, it is alleged that this applicant and co-accused persons assaulted the deceased with club, fists and caused grievous injuries to him.
6. Considered on the submissions made and the contents of the case diary. Perusal of the medical examination shows that one of the victim Krishna Ram suffered grievous injury of fracture on his skull but there is no such report, which shows that such injuries caused to the complainant was sufficient to cause his death in ordinary course of nature. Considering on the entire material present in the case diary and further looking to the facts and circumstances of this case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram