

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7790 of 2017

- Vijay Kumar Nagarchi S/o Shri Rohit Nagarchi, Aged About 20 Years R/o Seoni Bazar Chowk, Police Station Arjuni, District Dhamtari, Chhattisgarh Present Address Shriram Nagar, In Front Of Chandrakar Shop, Changorabhatha, Raipur, District Raipur Chhattisgarh. Mobile No. 9752074084, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station D. D. Nagar Raipur, District Raipur Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant : Mr.Rajesh Kumar Tiwari, Advocate.

For Respondent/State : Mr. V.B. Singh, Panel Lawyer.

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

21/02/2018

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. 206/2017, registered at Police Station- D.D. Nagar, District – Raipur(C.G.) for the offence punishable under Sections 307, 324/34 of Indian Penal Code (for short 'the IPC').
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. From the prosecution story itself it is clear that it is not this applicant who caused injuries to the injured persons in this case. There is no criminal antecedent against this

applicant. He is in jail since 7.8.2017. 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 State counsel opposes the bail application and submissions made in this respect. It is submitted that there is clear evidence that applicant had actively assisted main accused Arjun Nishad in assaulting and causing grievous injury by knife to the complainant and other injured persons. One of the injured namely Siddhant Singh Rajput was grievously hurt and looking to his critical condition, his dying declaration was also recorded. Hence, looking to the seriousness of offence, applicant is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. On the date of incident it was Rakhi festival, complainant Rahul Choudhari along with his sister Mahima Choudhari and friend Siddhant Singh Rajput was going towards his house, co-accused Arjun Nishad had made comments towards the sister of the complainant because of which there was exchange of words between complainant and accused Arjun Nishad and in that process, accused Arjun Nishad took out a knife and caused grievous injury in the abdomen of the complainant by the same. Siddhant Singh Rajput tried to intervene but he was caught hold of by this applicant and thereby he facilitated Arjun Nishad to cause knife injury to the complainant.
6. There is clear evidence of the complainant and the injured persons against this applicant and co-accused persons. Hence, looking to the nature of the offence, I am of this view that this is not a fit case for grant of regular bail. Accordingly, the first bail application filed under

Section 439 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha