

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7733 of 2017

- Rajkumar S/o Late Dayal Esai, Aged About 35 Years R/o Bhatapara, Janjgir, Police Station And Tahsil Janjgir, District Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Janjgir, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kalyan Kalamkar, Advocate.

For Respondent/State : Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who have been arrested in connection with Crime No. 46/2017 registered at Police Station- Janjgir District – Janjgir-ChampaC.G.) for the offence punishable under Sections 307, 294, 323 & 506 of the Indian Penal Code.
2. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case. The fact is this, that on the date of the incident a free fight took place in which the complainant Manoj assaulted this applicant with iron rod causing injuries on his head and it is alleged that thereafter this applicant assaulted the complainant

injured with axe. Applicant had acted in defence and no case is made out regarding the offence of attempt to murder. Applicant is in jail since 14.8.2017 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 State counsel opposes the bail application and submissions made in this respect. It is submitted that the injured Manoj has suffered head injury because of which he was required to be admitted in hospital for 16 days and the operation was also necessitated to remove the blood clot inside his head. Hence, the offence against this applicant is of grievous nature. Hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. It is alleged that on the date of incident on 14.2.2017 at about 9 pm in the night, this applicant assaulted the injured Manoj causing injury on his head because of which he was admitted for treatment from 15.2.2017 to 11.3.2017 SIMS Hospital, Bilaspur. According to medical report, the injury caused to the injured was of grievous nature, which has been reported as fatal by the examining doctor.
6. Perused the case diary and also perused the document filed by the applicant certified copy document of Crime No.47/2017 registered in PS-Janjgir for offence under Sections 324, 394, 506 & 323 of IPC, in which, the date of time of incident is similar i.e. 14.2.2017 at about 9 pm in the night and according to that case, this applicant was assaulted on head with rod by the accused who is the complainant in this case.

7. Taking into consideration this fact that the counter case against the complainant in this case shows that the applicant has a good case to defend himself. For this reason, I am of this opinion that applicant should be benefited with grant of regular bail.
8. 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 Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge