

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2729 of 2018**

Vipin Choudhary @ Deepak S/o Rajendra Choudhary Aged About 28 Years
R/o- MIG- 1/195, Pt. Ravishankar Shukl Nagar, Korba, Tehsil And District-
Korba, Chhattisgarh., District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Chowki Rampur, Police Station
Kotwali, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh.

---- Respondent

For the Applicant : Shri A.K. Prasad, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.06.2018**

Heard.

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. 177 of 2018, registered at Police Chowki Rampur, District Korba, Chhattisgarh for the offence punishable under Sections 341, 294, 307, 109 and 190 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 15.03.2018 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. According to the FIR lodged, the applicant was not present on the spot of incident when the complainant/ victim was assaulted

by the other accused persons. The name of this applicant has appeared in the later development in the statement given by the witnesses under Sections 161 and 164 of the Cr.P.C. and the trial of the case is likely to take sometime for its conclusion. 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 submissions made in this respect. It is submitted that there is clear evidence against this applicant according to the statement given by the victim under Section 164 of the Cr.P.C. It is also submitted that there are nine previous cases against this applicant for various offences under the provisions of I.P.C. and also he has been proceeded under the provisions of Cr.P.C.

4. Heard counsel for both the parties and perused the case diary.

5. According to the FIR lodged, on the date of incident, accused, namely, Shubham Shukla and two others stopped complainant – Vijay Jasuja on the way, abused, assaulted and thrashed with rod punch and other things causing injuries to him. The name of this applicant has appeared in the FIR and it is alleged that the accused persons assaulted him had said that they have come because the complainant has assaulted and thrashed this applicant. Later on, in the statement under Sections 161 and 164 of the Cr.P.C. the complainant has stated that this applicant was present on the spot when he was thrashed and injured. Hence, this case.

6. Considering the material present in the case-diary, it appears that some development has been taken place in the subsequent recording of statement of the witnesses compared to the version of the case in the FIR lodged by the complainant. Further, the injury caused to the complainant in this case does not appear to be fatal in nature and there is no such report that the injury caused to the complainant was sufficient to cause death to the complainant. Hence, I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge