

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2916 of 2018

- Ayush Mahapatra Shri Satyawrat Mahapatra(Student Of Engineering College) Aged About 21 Years R/o Shani Mandir Chowk Raj Kishore Nagar, P. S. Sarkanda, Distt. Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through S. H. O., P. S. - Sirgitti, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Achyut Tiwari, Advocate.
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

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

11/05/2018

1. The matter is heard out of turn on the ground that applicant is student of B.E. 4th Semester, regular student of Central College Engineering & Management, Raipur and his exam is scheduled to start from 15th May, 2018.
2. 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 has been arrested in connection with Crime No.76/2018, registered at Police Station–Thana-Sirgitti, District– Bilaspur(C.G.) for the offence punishable under Sections 307, 456 & 34 of Indian Penal Code (for short 'IPC').

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 14.3.2018. No offence is made out against him and he has also not been identified by the complainant in this case as a person involved in this incident, hence, it is prayed that he may be enlarged on regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, on the date of incident FIR has been lodged by complainant Bisru Nirmalkar that two persons knocked his door, on opening the door one of them assaulted him with a knife causing injury on his chest and hand. On raising alarm, the assailants fled from the spot and the FIR was lodged. During investigation, victim has identified Gopi Kaushik & Vinod Shrivastava as assailants. Name of this applicant has appeared in the memorandum statement of one of the accused person, that he in company of the main accused persons. Hence, this case.
7. Considered on the material present in the case diary, as his name not appeared in the FIR neither he has been identified as an assailant. For this reason, I am of this view that this is a fit case where applicant should be enlarged on 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 him furnishing a personal bond for a sum of Rs.25,000/-with one surety in the like sum to the satisfaction of the concerned trial Court, for him appearance as and when directed.

9. Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha