

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3211 of 2018**

Bhanupratap Sahu @ Pappu Sahu, S/o. Rajendra Kumar Sahu, Aged About 27 Years, R/o.- Village- Sankara, P.S.- Berla, at Present R/o- Vijay Nagar, Near Hanumaan Mandir, Durg, P.S.- Mohan Nagar, Tahsil and District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- District Magistrate, Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rishikant Mahobia, Advocate
For State/respondent	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**17/05/2018**

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.91/2018, registered at Police Station – Mohan Nagar, Durg, District – Durg (C.G.), for the offence punishable under Section 294, 506-B, 323, 324, 327, 307/34 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. The applicant is in jail since 22.03.2018. No case is made out against the applicant on the basis of the material present in the charge-sheet and also according to

the prosecution case, this applicant is not the main assailant. The applicant is ready and willing to abide by all the conditions imposed while enlarging him on bail. Therefore, it is prayed that, the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, on 03.03.2018, the complainant Nemichand was asked by co-accused Mahara Sahu and Doko Sahu for money to buy liquor. On refusal of the complainant, this applicant combined with the other accused persons abused, threatened and assaulted the complainant. In the meanwhile, one of the co-accused Marha Sahu assaulted the complainant with broken bottle causing injuries on his left cheek and right side of chest.
6. Considered on the submissions made and the contents of the case diary. As no injuries have been caused to the injured persons on the vital part of the body and there is no specific report that the injuries caused to the injured was sufficient to cause his death in ordinary course of nature and also taking into consideration this fact that this applicant was not the person, who caused the incised wound to the injured person, 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 local 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