

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 7303 of 2017

- Sanjay @ Aazad S/o Suresh Baghel, Aged About 20 Years Caste Panika, R/o Azad Nagar, Godripara, Police Station Chirmiri, Tahsil Khadgawan, District Koriya Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chirmiri, District Koriya Chhattisgarh.

---- Respondent

For the Applicant : Shri Pawan Shrivastava,
Advocate.

For the Respondent/State : Shri Vivek Singhal, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02.01.2018

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 has been arrested in connection with Crime No. 269/2017 registered at Police Station – Chirmiri, District – Koriya (C.G), for the offences under Section 294, 506 (B), 307, 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The co-accused being Juvenile has been

released on bail. The applicant is in jail since 03.08.2017. After completion of investigation charge-sheet has been filed the trial of the case is likely to take some time for its conclusion, therefore, It is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State opposes the bail application and submits that the applicant is a person who assaulted the victim with battle Axe, causing injuries on the vital part of the body, which could have been fatal, therefore, no case is made out for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. The case against the applicant is this that on the date of incident on account of some previous dispute, applicant abused the complainant- Prakash Pradhan, thereafter, brought a battle Axe from his house and assaulted the complainant on the back side of his neck causing injuries to him.
6. Considered on the submission made and the contents of the case diary. The injury caused to the complainant is though on the back side of the neck which can be regarded as vital part, but the report of the examining doctor is this that injury was simple in nature and was not fatal in nature, hence, looking to the facts of this case, I am of the view that it is a fit case where the applicant is entitled for grant of bail.
7. 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 trial Court, for his appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge