

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3868 of 2018

- Gagaru Rana S/o Lalit Kumar, Aged About 35 Years, R/o- Village Mustalnar, Police Station Geedam, District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Geedam, District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh

----Non-applicant

For Applicant – Shri Kanwal Singh Baghel, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His first bail application filed under Section 439 of the Cr.P.C. before this Court was dismissed for want of prosecution. The applicant has been arrested on 06-01-2018 in connection with Crime No.2/2018 registered at P.S. - Geedam, District- Dantewada, Chhattisgarh for the offence under Section 307/34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 06-01-2018. No case is made out against him under Section 307 of the IPC, at the most the offence against him that can be charged is under Section 325 of the IPC. Charge sheet has been filed after completion of the investigation. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. According to the prosecution case, on the date of incident co-accused Lalit assaulted injured Aashmati with axe causing three lacerated wounds on her head coupled with fracture of skull. This applicant was present and armed with the the said axe which was used as weapon of assault, which shows his common intention with the co-accused person. Hence, this case.

6. After due consideration on the material present in the case diary, I am of this opinion that the applicant deserves to be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge