

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4056 of 2018

- Alhaj Meman S/o Shri Shakil Meman, Aged About 20 Years, R/o Puran Dal Mill Street Ramsagarpara, Raipur District Raipur Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Mana Camp Raipur, Civil And Revenue District Raipur Chhattisgarh.

-----Respondent

For Applicant : Shri Sunil Sahu, Advocate.

For Respondent/State : Shri RK Gupta, Dy. Advocate General

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

12.6.2018

This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.

2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.45/2018 registered at Police Station Mana Camp, Raipur (Chhattisgarh) for the offence punishable under Sections 294, 307/34 of Indian Penal Code.

3. Case of the prosecution, in brief, is that on 20.02.2018 at 12.30 pm, present applicant along with co-accused Surfaraj and Akram Ali had quarreled with complainant Vineet Hinduja at MLA restaurant, Raipur. The applicant caused blow on the body of the complainant by bottle of cool drink, co-accused Surfaraj caused blow by knife near the eye of the complainant and co-accused Akram Ali assaulted the complainant by

hands and fists.

4. As per the MLC report of complainant Vineet Hinduja, one lacerated wound of 2cm x ½ cm was found below the left eye, one lacerated wound of 3cm x ½ cm was found on right temporal region and one abrasion of 3cm was found on the nose. As per the CT scan report no significant abnormality was seen.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case, therefore, he may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application.

7. Looking to these circumstances and other facts of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, applicant is in custody since 10.4.2018, this Court is inclined to give benefit of Section 439 of the CrPC to the present applicant.

8. Consequently, the bail application is allowed.

9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11.00 am as and when directed till trial and will cooperate during the trial, he shall be released on bail.

Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Vacation Judge