

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4104 of 2018

- Chetan Majhwar S/o Ramsai Majhwar Aged About 40 Years R/o Village Dodhakesara Mahua Tikrapara, Outpost - Kunni, P.S. Lakhanpur District Surguja Chhattisgarh.

---- Applicant

In Jail

Versus

- State Of Chhattisgarh Through Station House Officer, Lakhanpur, District Surguja Chhattisgarh.

---- Respondent

For Applicant	:	Shri Shakti Raj Sinha, Advocate.
For Respondent/State	:	Shri Vivek Sharma, G.A.

Hon'ble Shri Pritinker Diwaker, J

Order On Board

02/07/2018

The applicant has filed this application under Section 439 of CrPC for grant of bail as he is in custody since 5.3.2018 in connection with Crime No.29/2018 registered at Police Station – Lakhanpur, Distt. Surguja for the offence punishable under Sections 294, 323, 506, 324, 326, 307 of IPC.

02. As per prosecution case, on 2.2.2018 at about 7 pm the applicant assaulted the victim Basanti on her head and caused her grievous injuries.

03. Counsel for the applicant submits that even if the entire prosecution case is taken as it is, offence under Section 307 of IPC is

not made out against the applicant. He submits that statement of the complainant u/s 161 of CrPC has been recorded twice and in one of such statements, she has not attributed motive to the applicant whereas in another statement she has stated about motive also.

04. On the other hand, State counsel opposes the bail application.

05. Heard counsel for the parties and perused the material available on record.

06. Considering the totality of the case, in particular the nature of injuries suffered by the complainant/victim, her statements as also the detention period of the applicant, without further commenting on merits of the case, I am inclined to release the applicant on bail. Accordingly, the application is allowed. The applicant is directed to be released on bail on his furnishing a personal bond of Rs. 1 lac with one surety for the like sum to the satisfaction of the concerned trial Court for his appearance before it as and when directed.

Sd/

(Pritinker Diwaker)

Judge