

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4248 of 2018

Ashok Anant S/o Shri Dayaram Anant, aged about 28 years, R/o Village-Dhandhan Police Station & Tahsil Takhatpur, District- Bilaspur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through Police Station- Takhatpur Distt. Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Dheerendra Pandey, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

10/07/2018

1. The applicant has preferred this Second bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 98/2018 registered at Police Station-Takhatpur, Distt. Bilaspur (C.G.) for the offence punishable under Sections 307 and 327/34 of IPC.
2. First bail application of the applicant was dismissed for want of prosecution on 10/05/2018 in MCRC No. 2700/2018.
3. As per prosecution story it is alleged that on 17/03/2018 at about 8:00 pm, due to some previous enmity, the present applicant along with juvenile accused abused complainant- Markhande and demanded some money. When, the complainant refused to give money, then they threatened him to kill. It is further alleged that the complainant tried to flee away, but the applicant assaulted him and pressed her

neck. The matter was reported by the complainant. On the basis of the report, offence was registered and the applicant was arrested on 18/03/2018.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Prima-facie no offence under Section 307 is made out as the complainant did not sustain any grievous injury on his vital part of the body. He further submits that the applicant is in custody since 18/03/2018, therefore, he may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned counsel for both the parties.
7. Considering the above facts and the evidence collected by the prosecution particularly that no grievous injury has been found on any vital part of the body of the complainant and the applicant is in custody since 18/03/2018, without further commenting on merit of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- with one surety for the like sum to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
Judge
Arvind Singh Chandel