

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4303 of 2018

- Om Prakash Baiga S/o Shri Jagdish Prasad Baiga Aged About 40 Years
R/o- Ward No. 11 Jhagrakhand, Tahsil Manendragarh, P.S. Jhagrakhand,
District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through- Police Station- Jhagrakhand, District-
Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant	:	Shri Ramsevak Soni, Advocate
For Respondent	:	Shri Adil Minhaj, Panel Lawyer

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

03/07/2018

1. This is the first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested on 26.3.2018 in connection with Crime No.53/2018 registered at Police Station Jhagrakhand, District Korea (CG) for the offence punishable under Section 307 of IPC.
2. As per the prosecution case, on 17.3.2018 when complainant Surendra, a barber, demanded his money back from the applicant, he assaulted on his head by iron rod and thereby caused grievous injuries to the complainant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the offence. He further submits that the applicant never carried the rod and infact the rod was with the

complainant. The applicant is mentally sick. Hence, he prayed that the applicant may be released on regular bail.

4. On the other hand, learned State Counsel opposes the prayer for grant of bail. He submits that apart from the present case, as many as nine more cases were registered against the applicant in different police station. The veracity of the statement of applicant that he is mentally sick can only be adjudicated by the trial Court.
5. Taking into consideration the facts and circumstances of the case, in particular the nature of allegation levelled against the applicant and the fact that the applicant has criminal past, at this stage I am not inclined to release him on bail.
6. Accordingly, the bail application is rejected.

Sd/-
(Pritinker Diwaker)
Judge

roshan/-