

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4590 of 2018**

Anil Patel S/o Shri Anantram Patel Aged About 23 Years Caste- Marar, R/o- Village- Mohgaon, P.S. And Tahsil- Bhanupratappur, District- North Bastar (Kanker), Chhattisgarh., District : Kanker, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station- Bhanupratappur, District- North Bastar, Kanker, Chhattisgarh, District : Kanker, Chhattisgarh.

---- Respondent

For the Applicant : Shri P.K. Patel, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.07.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.62 of 2018, registered at Police Station – Bhanupratappur, District – North Bastar, Kanker, Chhattisgarh for the offence punishable under Sections 452, 506 and 307 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 22.5.2018 and has been falsely implicated in this case. No case is made out against the applicant under Section 307 of the IPC, as the injuries caused to the complainant are simple in nature. Hence, it is prayed that the

applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the doctor has opined that the injuries caused to the complainant on his head were grievous in nature. Hence, he is not entitled for grant of regular bail.

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

5. According to the prosecution case, on the date of incident, the applicant assaulted complainant – Mohd. Usman Shekhani with an iron weight causing him injuries on his head. Hence, this case.

6. The medical examination report speaks about some injuries of lacerated and contused wounds on the head of the injured person, the grievousness of the injury has not been explained and there is no x-ray or CT scan report to make out that the injuries caused to the complainant could have been fatal in nature. Hence, for these reasons, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when

directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi