

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4505 of 2018

- Pramod Kumar Rathiya S/o Rajaram Rathiya, Aged About 21 Years, R/o Bichpara, Bhelwatar, Police Station Kartala, District Korba Chhattisgarh At Presnt R/o Patelpara, Rajgamar Basti, Chowki Rajgamar, Tahsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Balco Nagar, (O.P. Rajgamar) District Korba Chhattisgarh, District : Korba, Chhattisgarh

----Non-applicant

For Applicant – Mr. Vimlesh Bajpai, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 07-04-2018 in connection with Crime No.155/2018 registered at P.S. - Balco Nagar, (O.P. Rajgamar), District – Korba, Chhattisgarh for the offence under Section 307 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 07-04-2018. No case is made out under Section 307 of the IPC against this applicant. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that looking to the evidence present in the case diary, this applicant is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on the date of incident injured Somdev Rathiya was sleeping in his house, then all of a sudden this applicant

came to the spot and assaulted the injured with blunt side of the axe causing injury on his head, which resulted in fracture of skull. Hence, this case.

6. Considered on the material present in the case diary. The medical examination report of the injured does not disclose about any fatal injury or life threatening injury caused to the complainant/injured, hence, after due consideration on the material present in the case diary and also for the reason that now the case is before the trial Court, I am of this view that this applicant should be granted regular bail during the pendency of the trial against him.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge