

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4691 of 2018**

- Abhishek Khatik S/o Raju Khatik Aged About 22 Years R/o- Near Mama Bhanca Talab, Tikrapara, Police Station- City Kotwali, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- Police Station- City Kotwali, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Mr. V.R. Tiwari, Advocate
For State/respondent	: Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.170/2018, registered at Police Station City Kotwali, District-Bilaspur(C.G.) for the offence punishable under Sections 307, 353, 186, 294, 506(B), 336 r/w Section 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for applicant that the applicant has been falsely implicated in this case. He is in jail since 18.5.2018. No case is made out against him under Section 307 of IPC only for the

reason that the injured person in this case is a Police Constable. False FIR has been lodged against this applicant, hence, it is prayed that he may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to prosecution case, on the date of incident injured Constable Deepak Upadhyay along with other Constables were patrolling the town in the night. On seeing some commotion in one place, they arrived on the spot, it was at that time it is alleged that this applicant assaulted Constable Deepak Upadhyay with some sword like object causing injury on his forehead and his companion assaulted the injured with stones. Hence, this case.
6. Considered on the entire material present in the case diary, and also perused the medical examination report of the injured person. After due consideration, I feel inclined to grant bail to this applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge