

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5157 of 2018

Akshay Kumar Sahu, S/o. Shivcharan Sahu, Aged About 22 Years, R/o Village Samdil, Thana Takhatpur District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Thana Takhatpur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Lavkush Kumar Sahu, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy.G.A..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/08/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.106/2018, registered at Police Station- Takhatpur, District – Bilaspur (C.G.) for the offence punishable under Section 307 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 25.03.2018. No case is made out against him according to the material present in the charge-sheet. The injury caused to the injured is simple in nature. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that according to the query report of the doctor, the injury caused to the injured was fatal in nature. Hence, the application be rejected.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. On the date of incident, the applicant tried to snatch the child of the complainant Prahlad Sahu and when the complainant intervened, this applicant assaulted him with an Axe causing injuries on his head. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and the medical report of the injured, which shows only 3 lacerated wound, which is not coupled with any fracture or any internal head injury, hence after due consideration, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge