

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5288 of 2018**

- Kalicharan Gond S/o Ramadhar Gond Aged About 34 Years R/o Lakshmi Chowk, Chiranjpara, Police Station Sarkanda District Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Sarkanda District Bilaspur Chhattisgarh.

---- Non-applicant

For Applicant : Shri Dharmesh Shrivatava, Advocate.

For Non-applicant : Smt. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****21.08.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 337/2018 registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Sections 294, 506-B, 307 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 15.05.2018 near about 06:30 pm at Chingrajpara, Sarkanda applicant was beating his wife Rajkumari in his house, when her sister America Bai intervened, applicant abused and given threatening to kill Amrica Bai and caused injury on her body by sickle. As per the MLC of Rajkumar her injuries

were simple in nature and as per the MLC of America Bai there were four incised wounds on hand, Cheek, left ear and left arm which were opined by the Doctor grievous in nature and caused by hard and sharp object.

4. The applicant is in custody since 16.05.2018. Charge sheet has been filed.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
7. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE