

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 903 of 2018

- Ujjawal Dey S/o Mr. Raj Kumar Dey Aged About 25 Years R/o Bakharupara, Main Road, Police Station Narayanpur, District-Narayanpur, Chhattisgarh., District : Narayanpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Edka,district-Narayanpur, Chhattisgarh., District : Narayanpur, Chhattisgarh

---- Respondent

For Applicant : Mr. Raza Ali, Advocate.

For Respondent/State : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

29/08/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.1/2018 registered at Police Station-Edka, District – Narayanpur(C.G.), for the offence punishable under Sections 307/34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The complainant has suffered one simple injury from sharp edged weapon, hence, at the most the offence that would be made out would under Section 324 of IPC and not under Section 307 of IPC. In the meanwhile, applicant and the complainant have compromised because of which the complainant has

given affidavit in favour of the complainant which is filed along with the application. Hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard the parties and perused the case diary.
5. It is alleged that on the date of incident because of some dispute this applicant assaulted the complainant Sukhlal with a sharp edged weapon causing him injury of one incised wound near the thumb of his right hand. It is alleged that this applicant intended to cause death of the complainant. Hence, this case.
6. Considered on entire material present in the case diary and looking to the fact that there is only one simple injury caused to the complainant and also the submissions that the complainant himself has given affidavit in support of the compromise that has taken place between him and this applicant. For these reasons, I am of this view that this is a fit case where applicant should be released on anticipatory bail .
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;

- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha