

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5687 of 2018

- Rajesh Baghel S/o Majanu Baghel Aged About 32 Years R/o- Block No. 5/11, B.S.U. Colony, Saddhu, Police Station- Vidhan Sabha, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Vidhan Sabha, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. P.K. Patel, Advocate.
For Respondent/State	:	Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/08/2018

1. This is the second bail application filed by the applicant under Section 439 of CrPC. His first bail application was dismissed as withdrawn in MCRC No.2710 of 2018 vide order dated 11.5.2018.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.288/2017 registered at Police Station- Vidhan Sabha, District- Raipur(C.G.) for the offence punishable under Sections 294, 147, 506-B, 324, 307 of the Indian Penal Code.

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 17.12.2017. No case is made out against the applicant. Similarly placed co-accused persons have been granted regular bail by this Court in MCRC No.2187 of 2018 and other cases vide order dated 11.5.2018. It is alleged that this applicant is the main accused in this case whereas the complainant/injured has been examined before the trial Court, who has not made any adverse statement against this applicant and has been declared hostile by the prosecution. Hence, it is prayed that applicant be enlarged on regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. It is alleged that on the date of incident the applicant and the other co-accused persons engaged in fight with the residents of other locality assaulting complainant Bhola Chouhan, injured Ravi and Ganga causing injuries to them. It was alleged that this applicant assaulted the injured Bhola Chouhan with a knife causing 8 stab injuries on his back. Hence, this case.
7. Considered on all the material present in the case diary and also perused the certified copy of the deposition of complainant Bhola Chouhan before the trial Court, in which, he has not supported the prosecution case and has not given any statement against this applicant, hence, under this change in circumstances, I am of this view that this is a fit case where the applicant should be released on bail during the pendency of the case against him.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha