

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6606 of 2018**

Jyoti Sahu, S/o Baldeo, aged about 18 years, R/o village Mundagaon,
Kota, Police Station Kota, District Bilaspur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station
Kota, District Bilaspur (CG).

---- Non-applicant

For Applicant : Mr. Rajeev Kumar Dubey, Advocate.

For Non-applicant : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.10.2018**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.324/2018 registered at Police Station Kota, District Bilaspur for the offence punishable under Sections 294, 506-B & 307 of IPC.
2. Case of the prosecution, in brief is that the complainant Ajay Kumar Patre is a resident of village Bhunda. On 05.08.2018 the applicant was pressing the neck of the complainant's younger brother Sanjay Kumar Patre, he intervened him. The applicant tried to cause injury on the abdomen of the complainant Ajay Kumar Patre by knife, he turned back side hence injury was caused on his back side.
3. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.

4. Counsel for the State opposes the prayer for grant of bail to the applicant. He further submits that no criminal antecedent is reported against the applicant in police case diary.
5. I have heard counsel for the parties and perused the case diary with utmost circumspection.
6. As per MLC report of the complainant Ajay Kumar Patre, one incised wound was found on his back side. The injury was caused by sharp object.
7. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the 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 in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-