

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6810 of 2018**

Rupeshnath S/o Gunaram Nath Aged About 45 Years R/o Katulbod,
Near Shitla Mandir, Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Mohan Nagar, Civil And Revenue District Durg Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Purendra Khichariya, Advocate
For the State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**11/10/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.648/2016 registered at Police Station Mohan Nagar, Durg, District Durg (C.G.) for the offence punishable under Sections 294, 506, 324, 307, 34 of IPC.
3. Case of the prosecution, in brief is that complainant Ravishankar Nishad is the brother-in-law looser of the applicant. On 24/12/2016 near about 6.15 p.m. at Katulbod applicant, co-accused Shankar Nath, Sahil Nath abused the complainant given threatening to kill him. Co-accused Shankar Nath caused the injuries on the head and back of the complainant Ravishankar by Nepali knife, applicant and Sahil beaten the complainant by hands and fist.
4. Counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail

application. He further submits that there is no antecedents against the applicant.

6. As per the MLC Report of the complainant five incised wound were found on the head of the complainant. There was a fracture on parietal bone of the complainant. Doctor opined that injuries were grievous in nature and if the complainant would not have got the medical aid then he would have died.
7. Looking to the above mentioned facts and circumstances of the case, looking to the role of the applicant, 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 the benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. 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 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 cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge