

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7095 of 2018**

Laxman Jogi S/o Late Heeralal Jogi Aged About 19 Years R/o Ghoghrapara, Pandaria, Tahsil Pandaria, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Pandaria, District Kabirdham Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Goutam Khetrapal, Advocate
For the State	:	Shri Neeraj Sharma, Dy. Govt. Advocate
For the Objector	:	Smt. Usha Chandrakar, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**12/11/2018**

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 learned counsel for the State in connection with the Crime No. 77/2018 registered at Police Station Pandaria, District Kabirdham (C.G.) for the offence punishable under Sections 307, 450 of Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Chaitram is the resident of village Ghoghrapara, Pandariya. On 08/06/2018 at about 4.30 p.m. applicant entered in the house of the complainant and on account of previous enmity he caused the injuries on his forehead, near eye, little finger of left arm, right arm, near the collar bone by iron rod. As per the MLC report one lacerated wound was found on the right side of the forehead laterally 2cm x 1cm x 1/2cm and seven abrasions were also found on different organs of the complainant. Doctor opined that injuries are simple in nature.
4. Learned counsel for the applicant submits that he has 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 previous antecedents against the applicant.
6. 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 the benefit of

Section 439 of the Cr.P.C. to the present applicant.

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

Kamde