

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7350 of 2018

- Baja Sarthi S/o Shri Chain Singh Sarthi, aged about 27 Years R/o Indira Nagar Lailunga, Tahsil and Police Station Lailunga, District Raigarh, Civil and Revenue District - Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Gharghoda, District - Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Manoj Kumar Sinha, Advocate.
For Respondent/State : Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

13/11/2018

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 158/2018, registered at Police Station – Gharghoda, District- Raigarh, (C.G.) for the offence punishable under Sections 279, 337, 307/34 of the Indian Penal Code.
2. As per the prosecution story, on 28.05.2018, Complainant Bharat Lal lodged a report wherein it was stated that on the date of incident, when he was going to Baramkela with his motorcycle, one TATA Sumo bearing registration number CG 13 R 5555 which was driven by the co-accused, dashed the victim, as a result of which he sustained injuries. Thereafter two accused persons who were sitting in TATA Sumo abused and assaulted Bharat Lal with danda due to which he sustained injuries on his body. On the basis of the above, offence has been registered against the present Applicant and other co-accused. The Applicant has been taken into custody on 21.08.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further states that there is nothing on record on the basis of which any offence can be made against the Applicant. He also states that the other co-accused persons have already been granted bail by the Trial Court. The present Applicant is in custody since 21.08.2018. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that there is nothing on record on the basis of which any offence can be made against the Applicant, other co-accused have already been granted bail by the Trial Court, the Applicant is in custody since 21.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge