

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6909 of 2017**

Vishal @ Sanni Masih, S/o. Denial Masih, Aged About 22 Years, R/o. Panna Nagar, Jarhabhatha Bilaspur, Police Station - Civil Line, District Bilaspur Chhattisgarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station -Civil Line, District Bilaspur Chhattisgarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K. Yadav, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**15/01/2018**

1. This is the first 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.754/2016, registered at Police Station – Civil Line, District – Bilaspur (C.G.) for the offence punishable under Section 294, 506-B, 324, 307 read with Section 34 of Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case on account of the enmity by the complainant – Suresh Singh, the father of the victim –

Ishu Singh. No case is made out against the applicant on the basis of the material available on record of the prosecution case, applicant is in jail since 21.12.2016, he is local resident and ready to abide all the conditions imposed for grant of bail. Therefore, it is prayed that the applicant may be released on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant is the main accused, who stabbed the victim causing him life threatening injuries, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is that on the date of incident on account of some previous enmity, applicant and co-accused Itiyal Peter abused the victim, threatened him and thereafter, applicant brandished a knife and assaulted the victim causing injuries on left side of shoulder and on the head, thereby causing incised wound to him. On the basis of the FIR, the case has been registered and charge-sheet has been filed against the applicant and other co-accused persons.
6. Considered the submissions made and the contents of the case diary. Looking to the nature of injuries caused to the victim in this case and the period of detention of the applicant so far and also the progress of the trial against the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram