

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7029 of 2017

- Dilip Satnami S/o Kholbahara Satnami, Aged About 26 Years, R/o Village Khaira, Police Station Kasdol, Balodabazar, District Balodabazar-Bhatapara, Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kasdol, District Balodabazar-Bhatapara, Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Ravi Maheshwari, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Shri Sunil Sahu, Advocate for objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 18-09-2017 in connection with Crime No.354/2017 registered at P.S. Kasdol, District Balodabazar-Bhatapara, Chhattisgarh for the offence under Section 294, 323, 506-B, 341, 367, 34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant is innocent and has been falsely implicated in this case because of rivalry and previous enmity with the complainant. No case is made out against the applicant on the basis of material in the charge sheet filed against him. The applicant is in jail since 18-09-2017. He is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that complainant Gorelal Sahu has suffered fracture and thus grievous hurt has been caused to the complainant by this applicant. Hence, he is not entitled for grant of bail.

4. Learned counsel for the objector adopting the argument advanced by the State counsel has submitted that the applicant is not entitled for grant of bail.
5. Heard learned counsel for the parties and perused the case diary.
6. On 18-09-2017 at about 10.30 a.m. when complainant Gorelal Sahu along with witnesses Ichchharam was traveling on a motorcycle the applicant and co-accused persons stopped him on the way and assaulted him with clubs. The complainant and Ichchharam were got injured, then the applicant and co-accused forcefully took the complainant on a vehicle towards jungle and threatened to cause his death. On the basis of information given by him, FIR has been lodged and charge sheet has been filed after completion of the investigation.
7. Looking to the nature of the case against the applicant and the facts that he is in jail since 18-09-2017, no purpose would be served if the applicant is kept in detention till conclusion of the trial, the application deserves to be allowed.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge