

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7728 of 2018

- Rahul Dubey S/okedar Dubey Aged About 21 Years R/o Village Post Officer Kranda Thana Kranda, District Gajipur Uttar Pradesh Present Address -C/o Mahesh Kumar Dewagan, Parshuram Ward Near Hanuman Mandir Bhatapara Thana Bhatapara (City) District Balodabazar Bhatapara Chhattiagarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station House Officer Thana Bhatapara (City) District Balod Bazar Bhatapara Chhattisgarh.

---Respondent

 For Applicant : Shri Deepak Jain, Advocate
 For Respondent/State : Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

31.10.2018

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.198/2018, registered at Police Station, Bhatapara (City), District Baloda Bazar, Bhatapara(CG) for the offence punishable under Sections 307/34 of the IPC and Sections 25, 27 & 30 of the Arms Act.
3. As per the case of prosecution on 9.8.2018 at about 14.35 pm, complainant- Devesh Sachdev reported to the authorities that while he was returning with his friend from village Tarenga to Bhatapara, the applicant by driving rashly and negligently his Centro

Car, dashed his motorcycle. It is alleged that the applicant also fired with a gun on the complainant.

4. Learned counsel for the applicant submits that the injuries found on the body of the complainant are simple in nature and no gun shot injury was found on his body, therefore, charges under Section 307/34 IPC and Sections 25, 27 & 30 of the Arms Act are not made out against the applicant. He submits that the applicant is in jail since 9.8.2018 and trial may take some time, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Perused the entire material available on record.

7. Considering the facts and circumstances of the case and the fact that medical evidence is not supportive of version of the complainant, I am inclined to release the applicant on bail.

8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

10. Certified copy as per rules.

Sd/

(Ram Prasanna Sharma)
JUDGE