

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7200 of 2017

- Abhimanyu S/o Late Daliya Aged About 54 Years R/o Old Mines Godripara, Police Station Chirmiri, Tahsil Khadgawa District Korea Chhattisgarh. , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chirmiri District Korea Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. T.K. Jha, Advocate.
For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

29/01/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 323/2017, registered at Police Station- Chirmiri, District – Korea(C.G.) for the offence punishable under Section 450, 307 of the Indian Penal Code and Section 25, 27 of Arms Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 20.08.2017. No case is made out against the applicant under Section 307 of IPC. After completion of investigation, charge-sheet has been filed. Applicant is a local resident of Chirmiri and employee of SECL, therefore, there is no chance of his absconsion. Hence, he is entitled for grant of regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the injuries caused to the victim Sanjay Nath have been described as grievous by the examining doctor and there is sufficient material against the applicant for his prosecution in the case. For this reason, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. On the date of incident, applicant and the victim Sanjay Nath both consume liquor and had some dispute between them. Later on, applicant went to the house of Sanjay Nath and assaulted the victim with a sharp aged weapon, causing various injuries on his head.
6. Considered the submissions and contents of the case diary, the medical report shows incised wound present on various part of the head. No injuries were present on the vital part of his body. Taking into consideration all the facts and circumstances of this case, I am of this view that this is a fit case where the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge