

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7787 of 2017

- Amir Khan S/o Bablu Khan Aged About 22 Years R/o In Front Of Handiwala Baba Gali, Behind Bhondu Bhai House, Moudhapara, Raipur Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Office, Police Station Gudiari, District Raipur Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant : Mr. Yogeshwar Sharma, Advocate.

For Respondent/State : Mr. Vijay Bahadur Singh, Panel Lawyer.

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

21/02/2018

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. 200/2017, registered at Police Station- Gudiari, District – Raipur(C.G.) for the offence punishable under Section 25/27 Arms Act and 394, 397 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Applicant is in jail since 4.8.2017. No case is made out on the basis of the material present in the charge-sheet filed against him and has no criminal antecedents, hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that complainant has suffered grievous injury according to the report given by the examining doctor, hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. Complainant Kamlesh Mishra has lodged FIR, that on the date of incident, at about 4 am when he was travelling from railway station to his residence, he was stopped by three unknown persons on way and one of them took out of a knife and on the point of knife, his two other companions looted two mobile phones, purse carrying Rs.1200/- cash, some documents driving licence etc and while the culprits were fleeing from the spot one of them, who carried the knife assaulted the complainant causing injuries on his abdomen and left leg. After lodging of FIR, the case has been registered against this applicant. Two others out of which are juvenile offenders.
6. Considered.
7. As there is no criminal antecedent of this applicant and according to the investigation, no seizure of knife has been made from this applicant and, further, the grievous injuries has reported by the examining doctor has not been specified in the report submitted. Looking to this fact that applicant is a local resident of District-Raipur, and there is no likelihood of his absconsion, I am of this view that this is a fit case where applicant should be released on regular bail.
8. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his 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 their

appearance as and when directed.

(Rajendra Chandra Singh Samant)
Judge

Nisha