

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8029 of 2017**

Sanjay Dubey S/o Shri Uttam Dubey Aged About 39 Years R/o Village Hirri, Police Station Bori, District Durg Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Pulgaon, District Durg Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Goutam Khetrapal, Advocate.
For the Respondent/State	:	Shri Vivek Singhal, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.02.2018**

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.83 of 2017, registered at Police Station Bori, District – Durg, Chhattisgarh for the offence punishable under Sections 186, 332, 353 and 307 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The applicant is owner of a Dabha where the police personnel of P.S. Bori usually took meals but were not paying for the same. On the date of incident, while taking free meals, it is alleged that the applicant assaulted the complainant but only simple injuries were caused. Hence, it is prayed that the applicant be enlarged on 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 as per the case, the applicant was with intention to cause death of the complainant assaulted him with an axe. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. On the date of incident, Dabha (restaurant) of this applicant was searched by the police personnel of P.S. Bori because of which, the applicant got enraged and trying to deter public servant from performing their duties he took the axe and swung and when the police personnel came in his way, Inspector – Basant Khalkho and Constable – Bhisham Karait were injured in this incident. Consequent to lodging of FIR, charge-sheet has been filed after completion of investigation.

6. Considering the entire material present in the charge-sheet, and also considering the nature of injuries caused to the injured persons, I am of the considered opinion that the applicant deserves to be released on bail.

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

8. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge