

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8113 of 2017

- Surendra Kumar S/o Hari Prasad, Aged About 30 Years, R/o Camp-2, Shardapara, J. P. Nagar, Chhawani, Tahsil And District Durg Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Purani Bhilai, District Durg Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Mr. B.P. Singh, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-03-2018

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 17-11-2017 in connection with Crime No.284/2017 registered at P.S. Purani Bhilai, District Durg, Chhattisgarh for the offence under Section 294, 324, 326, 506, 34 of the IPC.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. No case is made out against this applicant on the basis of material present in the charge sheet. The applicant is in jail since 17-11-2017. 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 released on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the injuries of grievous nature have been caused to the complainant in this case, because of which, it has been reported by the examining doctor that injuries were fatal in nature. Hence, the applicant is not entitled for grant of bail.

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

5. Facts of the case are these, that on the date of incident on account of previous enmity the applicant along with co-accused Manoj came on the spot of incident and after abusing and threatening the complainant, this applicant assaulted him with hands and fists, whereas, co-accused Manoj assaulted the complainant with a sharp weapon causing injuries over his eye and abdomen. According to the MLC report, three injuries/wounds found on the body of the complainant have been reported to be grievous in nature as well fatal.

6. Considered on the submissions made and contents of the case diary. Considering the entire material present in the case diary against this applicant and looking to this fact that this applicant was not armed with any kind of weapon at the time of incident that has taken place, I am of this view that the applicant should be released on regular bail during pendency of the trial against him.

7. 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge