

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8133 of 2017**

Suraj @ Neelkanth Sahu, S/o Narayan Sahu, Aged About 18 Years, Caste Teli, R/o. Safaribhatha, Police Station -Lormi, Civil And Revenue District Mungeli Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Lormi, District -Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. C.P. Lahrey, Advocate

For Respondent/State : Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**07/03/2018**

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.171/2017, registered at Police Station –Lormi, District – Mungeli (C.G.) for the offence punishable under Section 294, 323, 324, 326, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Co-accused in this case has been granted bail by the Coordinate Bench of this Court in M.Cr.C. No.6175/2017 by order dated 28.11.2017 and the applicant

has a similar case, therefore, he may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant is the main assailant in this case and because of the injuries caused, the complainant Ku. Gangotri has suffered grievous injuries because of which, she has lost the vision in her right eye, hence, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. On the date of incident, the applicant and two others were riding on motor cycle at the same time, the victim Gangotri along with her brother Yashpal was walking on the road, it was at that time, without any reason, this applicant threw a bottle on the victim Gangotri because of which she has suffered grievous injuries, which resulted in lost of vision in her right eye.
6. Considered the submissions made and the contents of the case diary. As the age of the applicant is only 18 years at present and there is no criminal antecedents against him and also for the reason that he is in jail since 18.06.2017, there appears to be no purpose, if he allowed to remain in detention till the conclusion of trial, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram