

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8247 of 2018**

Sohail Khan, S/o Azaad Khan, aged about 18 years, Student, R/o Village Maheshpur, P.S. Sitapur, District Surguja (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Batauli District Surguja (CG). **---- Non-applicant**

For Applicant	: Mr. Shakti Raj Sinha, Advocate.
For Non-applicant	: Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

16.11.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.48/2018 registered at Police Station Batauli, District Surguja for the offence punishable under Sections 341, 294, 506, 323, 326, 34 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 15.05.2018 at about 20hrs at near village Batoli, the applicant had beaten the complainant Ramkumar by clubs and co-accused Golu had beaten him by hand and leg.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. He further submits that no criminal antecedent reported against the applicant in police case diary.
6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. Offence is triable by JMFC.

8. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is allowed.

9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-