

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8367 of 2018

- Sunil Tamrakar @ Yashwant Tamrakar S/o Late Narendra Tamrakar Aged About 19 Years R/o Baigapara, Sheetla Nagar, Ward No. 5, Near Goverdhan Chowk, Tahsil And District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali Durg, District Durg Chhattisgarh

---- Respondent

For Applicant	: Shri BP Singh, Advocate.
For Respondent/State	: Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

13/11/2018

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 766/2018, registered at Police Station – Kotwali, District- Durg (C.G.) for the offence punishable under Sections 307 & 294 of the IPC.
2. As per the prosecution story, on 18.09.2018 at about 12:20 AM, when complainant Santosh Soni was standing near betel shop, allegedly present Applicant came there and started abusing and assaulting the complainant with one wine bottle on his head, due to which he sustained injuries. Thereafter, the matter was reported by the complainant Santosh Soni himself, on the basis of said complaint offence has been registered and the Applicant has been arrested on 18.09.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He

further submits that there is nothing on record on the basis of which any offence under Section 307 of IPC can be made out against the Applicant, as per the medical report of the complainant he sustained only simple injuries, the Applicant is in custody since 18.09.2018, charge-sheet has already filed and trial will take some time. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the complainant sustained only simple injuries, the Applicant is in custody since 18.09.2018, charge-sheet has already filed and trial will take some time, without further commenting on merits of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge