

NAFRHIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8920 of 2018**

- Himanshu Mishra S/o Prafull Mishra Aged About 29 Years R/o Shiv Vihar Colony, Raipura, Near Hospital, Police Station D. D. Nagar, Raipur District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Prateek Sharma, Advocate.
For Non-applicant	: Mr. Neeraj Sharma, Dy. Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.12.2018

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 learned counsel for the State in connection with crime No. 303/2018 registered at Police Station – City Kotwali, Raipur District Raipur (C.G.) for the offence punishable under Sections 294, 341, 506, 307 of the Indian Penal Code and Sections 25, 27 of Arms Act.
3. Case of the prosecution, in brief is that on 10.09.2018 about 18:30 hrs in front Byron Bazar School Raipur applicant restrained his wife, her mother, complainant Sitaram Verma abused them and caused injuries on the head, chest and back of the complainant Sitaram Verma by knife.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. As per the MLC report, one incised wound was found on skull of the complainant Sitaram Verma. Three other incised wounds were also found. The injuries were simple in nature. There is no material available prima facie which shows that injuries were sufficient to cause death in an ordinary course of nature.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, 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 will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE