

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 420 of 2019

- Ramsingh Markam S/o Balsingh Markam aged about 38 years R/o Uperpara Dhondara P.S. Farasgaon District Kondagaon (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station Farasgaon, District Kondagaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri Anil Gulati Advocate on behalf of Mr. PK Tulsyan, Advocate.
For Respondent/State	: Shri KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/02/2019

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. 97/2017, registered at Police Station Farasgaon District Kondagaon (C.G.) for the offence punishable under Section 307 of the IPC.
2. As per the prosecution story, complainant Basuram Netam S/o Hutku Ram Netam is the brother-in-law of the applicant. On 06.10.2017 Basuram lodged a report against the present applicant, wherein it has been alleged that applicant assaulted his father with the help of fire wood on his head due to which complainant's father sustained grievous injuries. On the basis of said, offence has been registered. The applicant is in custody since 10.10.2017.
3. Learned counsel appearing on behalf of the Applicant submits that the applicant is innocent and has been falsely implicated in the present case. On the basis of evidence available on record *prima facie* no

case under Section 307 of the IPC can be made out against the applicant. He further submits that injured has already examined before the Trial Court and according to his Court statement, he does not support the case of the prosecution and turned hostile. The applicant is in custody, since 10.10.2017, charge-sheet has been filed and trial will take some time, therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the fact and circumstances of the case, evidence collected by the prosecution and further considering the fact that the injured has already examined before the Trial Court and according to his Court statement, he does not support the case of the prosecution and turned hostile. The applicant is in custody, since 10.10.2017 and trial will likely to 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