

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1006 of 2019

- Netram Ghritlahre S/o Shri Govind Ghritlahre Aged About 27 Years R/o Village - Baronda, P.S. Rajim, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh Through The Station House Officer, Police Station Rajim, District – Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Shri Sunil Sahu, Advocate.
For Respondent/State : Shri Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/02/2019

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. 327/2018, registered at Police Station – Rajim, District-Gariyaband, (C.G.) for the offence punishable under Section 294, 307 of the IPC.
2. As per the prosecution story, 17.11.2018, a report was made by the Complainant Shashi Shekhar Sharma with the averment that, when he was sitting at the Thakur Complex, allegedly the present Applicant came there and abused him in filthy language and also caused injury by knife on his neck and further tried to commit his murder by pouring petrol on his body. On the basis of the said, offence has been registered against the Applicant and he has been taken into custody on 18.11.2018.
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, on the basis of the evidence collected by the prosecution, *prima facie*, no offence under Section 307 of the IPC can

be made out against the Applicant. He further submits that the Complainant has sustained only one injury on his neck and was not admitted in the hospital. He also states that charge-sheet has been filed, Applicant is in custody since 18.11.2018 and trial will take time. Therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application and submits that there are some previous criminal antecedents of the present Applicant.
5. Counsel for the Applicant submits that out of two previous criminal antecedents, the Applicant has been acquitted in one case which relates to offence under Section 307.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 18.11.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge