

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1949 of 2019

- Umesh @ Sonu Dhankar, S/o Shri Bhiva Dhankar, Aged About 20 Years, R/o Satyam Nagar, Kachna, Raipur, Police Station- Vidhansabha Raipur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station- Vidhansabha Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Mayank Chandrakar, Advocate.
For Respondent	:	Mr. Rahim Ubwani, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/04/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.27/2018 registered at Police Station– Pandri, District–Raipur(C.G.) for the offence punishable under Sections 307/34 & 294 of Indian Penal Code & Section 25 & 27 of Arms Act.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. No case is made-out for prosecution of the applicant under Section 307 of IPC. Although injuries were found on the body of victim but he remained hospitalized only for two days, therefore, none of the injuries can be said to be fatal in nature. Other co-accused persons have already been granted bail and this applicant is in jail for the last about one year because the witnesses of prosecution are not turning up. In these circumstances,

bail application of this applicant be allowed.

3. Learned State counsel opposes the application and submissions made in this respect. It is submitted that this applicant is main accused in this case, who stabbed victim-Deepak Yadav causing him various injuries, therefore, he is not entitled for grant of regular bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The prosecution story, in brief, is that this applicant along with co-accused attempted to commit murder of complainant by causing knife injuries to him.
6. After perusing the material present in the case and considering the length of his detention and further considering the delay in disposal of trial, I am of this view that this is a fit case where application filed by applicant deserves to be allowed.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge