

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2233 of 2019**

Sheikh Samir S/o Sheikh Mainuddin Samir Aged About 32 Years R/o Nayapara, Ganesh Nagar, Ward No. 43, P. S. Sirgitti, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Sirgitti, District Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Rajeev Kumar Dubey, Advocate.
For the Respondent/State	:	Shri Avinash K. Mishra, P.L.
For the Objector	:	None.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.07.2019**

Heard.

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.49 of 2019, registered at Police Station – Sirgitti, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 294, 506 and 307/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 5.1.2019 and has been falsely implicated in this case. In fact, the incident had taken place, in which the son of the applicant was being assaulted by the complainants and the applicant intervened and confronted the complainants. None of the victims of this case have suffered any fatal

injury. The other two accused persons have been granted bail by the Court below. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, on the date of incident, this applicant assaulted and injured victims – Shani Sav and Saavan Sav with some sharp-edged weapons causing injuries to them, therefore, the case is made out against the applicant. Hence, this case.

6. On perusal of the medical report, it appears that only incised wound has been caused to the victims of this case and none of the injuries are reported as fatal by the examining doctor and further, the trial against the applicant is pending before the concerned Court. Hence, for these reasons, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)

Judge