

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2340 of 2019

- Pawan Yadav @ Nanu S/o Shri Vijay Yadav, Aged About 19 Years R/o Vinobha Bhawe Nagar, Near Pani Tanki, Rajatalab Police Station Civil Lines, District Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Civil Lines, Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri J.K. Gupta, Advocate.
For Respondent/State	: Shri Samdarsh Nirankari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/04/2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the Applicant for grant of regular bail. The Applicant has been arrested on 13.11.2018 in connection with Crime No. 689/2018 registered at Police Station – Civil Lines, District – Raipur, Chhattisgarh for the offence punishable under Sections 307, 34 of the Indian Penal Code.
2. It is submitted on behalf of the Applicant that the Applicant has been falsely implicated in this case. No case is made out on the basis of the evidence available on record against this Applicant. It is further submitted that this Applicant is not the person who assaulted the victim with knife. Victim was assaulted by the main accused Jai Singh and therefore, this Applicant has not participated in commission of crime. He is in jail since 13.11.2018 and has no criminal antecedent. Hence, under this circumstances, it is prayed that he may be granted bail.

3. Learned Counsel for the State/Non-Applicant opposes the bail application and submits that quarrel took place between Applicant and the Complainant Rishabh Ranglani. When the Complainant was making a phone call to the police, this Applicant called the main accused Jai Singh, who came on the spot and threatened and assaulted the Complainant with knife, causing injury to the Complainant. Therefore, looking to the role played by the Applicant, he should not be enlarged on bail.
4. Heard learned Counsel for the parties and perused the case diary.
5. Allegation against the present Applicant is that, on the date of incident, this Applicant was riding a motorcycle and the Complainant who was also riding the motorcycle, both engaged in some quarrel in which the Applicant slapped the Complainant. When the Complainant was calling the police through his mobile phone, then this Applicant also called the main accused Jai Singh who immediately came to the spot and then abused and assaulted the Complainant with knife causing him injury on his back. Hence, this case.
6. After considering on all the material present in the case diary and further considering the fact that age of the Applicant is only 19 years, I feel inclined to allow this application.
7. Consequently, the application filed by the Applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge