

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2400 of 2019

- Sunil Thakur S/o Late Shri Vibhuti Singh Thakur Aged About 49 Years R/o Occupation-Agriculturist, R/o Ramkund, Raipur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station Arakshi Kendra, Sarswati Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Rajat Agrawal, Advocate.
For Respondent/State : Shri Lav Sharma, P.L.

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

18/04/2019

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 29.03.2019 in connection with Crime No. 219/2018 registered at Police Station – Arakshi Kendra, Sarswati Nagar, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Sections 294, 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 against him according to the prosecution case. He is in jail since 29.03.2019. It is further submitted that, Applicant is a patient of chronic liver decease. 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 Applicant has criminal history of having

twelve preventive proceedings against him in the past and have also been prosecuted in six criminal cases under various provisions of the IPC. Therefore, looking to the above, Applicant 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 assaulted the Complainant with a hockey stick with intention to cause his death after abusing him publicly.
6. Counsel for the Applicant submits that all the proceedings of preventive nature has concluded and this Applicant has been acquitted from all the criminal cases pending against him.
7. After considering all the facts and circumstances of the case, nature of injury that has been caused to the Complainant in this case, I feel inclined to allow this application.
8. 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