

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3000 of 2019**

Raghunath Kori S/o Late Ramkhilawan Kori, Aged About 39 Years R/o Village Amarpur, Present Address Bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Pendra District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Dharendra Prasad Mishra, Advocate.
For the Respondent/State	:	Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.07.2019**

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.124 of 2009, registered at Police Station Pendra, District – Bilaspur, Chhattisgarh for the offence punishable under Section 307/ 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 11.3.2019 and has been falsely implicated in this case. The applicant has never arrested for the case concerned. When he was arrested on 11.3.2019, he came to know about the charge-sheet filed against him in absconsion. The applicant has not committed any offence. The other co-accused persons have been tried, convicted and sentenced for the period of

detention already undergone by them, which is not more than four months and this applicant has now undergone a period of about four months in jail. Hence, 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. It is submitted that this applicant has remained in absconsion for about 10 years. Hence, he is not entitled for grant of regular bail.

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

5. According to the prosecution case, on the date of incident because of some dispute, this applicant and the co-accused persons made an assault on Ishwar Singh causing him injuries by use of axe and clubs. On the basis of the FIR lodged, the offence under Section 307/ 34 of the IPC has been registered against the applicant.

6. After considering the facts and circumstances of the case and the result of the trial against the co-accused persons, I feel inclined to grant regular bail to the applicant.

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

8. It is directed that the 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

Nimmi