

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3408 of 2019

- Raja @ Sanju Sahu @ Bholu, S/o Bhim Sahu Aged About 23 Years, R/o Prabhat Chowk Chingrajpara, Police-Station-Sarkanda, Tehsil & District- Bilaspur, Chhattisgrh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station Sarkanda, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. U.K.S. Chandel, Advocate.
For Respondent/State	:	Mr. Lav Sharma, Panel Lawyer.

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

15/07/2019

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.300/2019 registered at Police Station–Sarkanda, District–Bilaspur(C.G.) for the offence punishable under Sections 294, 323/34, 506 & 307 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The applicant is in jail since 23.03.2019. His name is not mentioned in the FIR lodged, that has been added later on in the statement of the complainant under Section 161 of CrPC which shows the concoction of the case against this applicant, hence, it is

prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the victim in this case has suffered seven injuries and one fracture of right ulna bone, hence, his application be rejected.
4. Heard both the parties and perused the case diary.
5. According to the prosecution, on the date of incident, the victim Harish Sharma was assaulted by this applicant and other six persons with clubs and sharp edged weapons causing various injuries to him. Hence, this case.
6. On perusal of the case diary, it appears that only one club has been seized from the possession of this applicant and also for the reason that the name has not appeared in the FIR, therefore, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on regular bail on his furnishing a personal bond for a 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