

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3601 of 2019

- Santu Ram @ Santram Sahu S/o Nirbhay Sahu Aged About 56 Years
R/o Village Salhekala, Police Station And Tehsil Chuekhadan District
Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Chuekhadan
District Rajnangaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Smt. Renu Kochar, Advocate.

For Non-applicant/State – Shri Subhash Yadav, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-07-2019

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 18-01-2019 in connection with Crime No.246/2018 registered at P.S. - Chuekhadan, District Rajnandgaon, Chhattisgarh for the offence under Section 307, 34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 18-01-2019. No case is made out against him. As alleged this applicant assaulted the victim with a club, whereas, no club injury was found on the body of the victim. All the allegations are mainly against the main co-accused person. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant was present with the co-accused all along, therefore, he has acted in furtherance of common intention. Therefore, the application may be rejected.

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

5. According to the prosecution case, on the date of incident, this applicant identified the complainant Siyaram Sahu as sorcerer and then assaulted him with a club and also threw chilly powder in his eyes. Thereafter another accused Rupesh assaulted the victim with a knife in his abdomen causing grievous injury to him.

6. After perusal of the contents of the case diary and looking to the limited role of this applicant in the said commission of offence which shows that he has only made assault with the club, whereas, the medical report does not report any injury of that kind, therefore, I feel inclined to allow this application.

7. Consequently, this 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge