

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3876 of 2019

Shubham Yadav, S/o. Santosh Yadav, Aged About 19 Years, R/o. Fawarachowk, Byron, Bazar Police Station City, Kotwali, Tehsil and District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Police Station : Tikrapara, Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anjinesh Shukla, Advocate
For Respondent/State	: Ms. Akanchha Jain, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/08/2019

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.291/2019, registered at Police Station – Tikrapara, Raipur, District – Raipur (C.G.) for the offence punishable under Section 307, 427, 34 of the Indian Penal Code and Section 25 , 27 of Arms Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 13.04.2019. The name of this applicant has not appeared in the FIR. Further none of

the victims have suffered any fatal injuries. The applicant is young man of tender age of only 19 years. Hence, it is prayed that the applicant may be enlarged on regular 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 according to the evidence present in the case diary the victims of this case were attacked by sword and clubs, therefore, the case is made out regarding commission of offence of attempt to murder, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case because of some previous dispute, main accused Prem Gauli armed with sword and his associates armed with clubs, with common intention attacked and assaulted the complainant Sandeep Yadav and others injuring Vikas Yadu, Umesh Yadu and Shrikant Yadu, having intention to cause their death. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. Considering on the medical report of the injured victims as there is no report of fatal injuries caused to the any of the victims, further the age of the applicant is only 19 years and he has no criminal antecedents, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram