

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3937 of 2019

Abhijeet Shrivastava, S/o. Shri Shankar Lal Shrivastava, Aged About 20 Years, R/o. Ward No. 44, Gali No. 01, Jabdapara, Police Station Sarkanda, Tahsil and District Bilaspur Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Amit Kumar, Advocate
For Respondent/State	: Mr. Shubhash Yadav, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/07/2019

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.833/2018, registered at Police Station – Civil Lines, Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 307, 323, 34 of the Indian Penal Code and Section 25 of the 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 01.05.2019. There had been only recovery of a club from this applicant, whereas, knife has been recovered from the juvenile offender. Apart from that the victim in this case has not suffered any fatal injury. Therefore, 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 the applicant has equally participated in the commission of offence, therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case on the date of incident, this applicant along with the juvenile offender assaulted the victim Prabhat Sahu for which clubs, belt and knife were used causing injuries to victim.
6. Considered on the submissions made and the contents of the case diary. Considering the fact that the applicant is armed only with club and also the medical report does not reveal any fatal injury caused to the victim, hence for this reason 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