

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4294 of 2019

- Karan @ Gajendra Rajput S/o Bhagwat Singh Rajput Aged About 19 Years R/o Sikola Bhatha, Police Station Mohan Nagar, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mohan Nagar, District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal Advocate.
For Respondent	:	Mr. Sanjay Pathak, Panel Lawyer.

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

20/08/2019

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.98/2019 registered at Police Station– Mohan Nagar District– Durg(C.G.) for the offence punishable under Sections 307, 427, 296, 323, 506, 147, 148 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 29.03.2019. No case is made out against this applicant. The name of this applicant has not appeared in the *Dehati Nalisi* which was lodged on 22.3.2019 and in the FIR that was lodged on the same date. All the

witnesses have not stated anything against this applicant. However, only on the basis of one confessional statement of this applicant of memorandum, he has been made an accused in this case, therefore, he may also be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that on the basis of one memorandum given by this applicant one iron pipe has been recovered from his possession, which was allegedly used in the incident, therefore, the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, co-accused persons-Karan @ Sunil Nayak, Sandeep etc. engaged in a quarrel with the complainant Shiva Bhograj, in which, they abused, threatened, assaulted and damaged the motorcycles and thereafter one of the co-accused namely-Deepak assaulted the complainant and other victims with knife causing injuries to them. This applicant has made a confessional statement on memorandum stating, that he was also participant in the said commission of offence and one pipe has been recovered from his possession.
6. Considering that the name of this applicant has not appeared in the Dehati Nalishi and also the statement of witnesses initially recorded in the investigation, 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 bail on 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

Nisha