

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5173 of 2019**

Dhannendra Kumar Dhruw @ Dhanne Gond S/o Shri Pratap Dhruw Aged About 25 Years R/o Village Tokaro, Police Station Abhanpur, District Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Abhanpur, District Raipur Chhattisgarh.

---- Respondent

For the Applicant : Shri Devershi Thakur, Advocate.
For the Respondent/State : Shri Shrikant Kaushik, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.09.2019**

Heard.

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.248 of 2019, registered at Police Station – Abhanpur, District – Raipur, Chhattisgarh for the offence punishable under Sections 307, 452, 294, 323 and 324, 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 30.5.2019 and has been falsely implicated in this case. Earlier offences were registered under Sections 452, 294, 323 and 324/ 34 of the IPC in which the applicant was released on bail. Subsequently, at the stage of filing the charge-sheet, the offence under Section 307 of the IPC was

added as the victim in this case was assaulted with knife. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

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

5. According to the prosecution case, on the date of incident, a dispute took place in which this applicant alongwith co-accused assaulted complainant – Uttara Kumar Gond. One co-accused – Satyendra Pandey took out a knife, assaulted and injured the complainant on the neck and other parts of the body. The only allegation against the applicant is that he assaulted the victim with hands and fists.

6. After overall consideration of all the material present in the case-diary, I feel inclined to grant bail to the applicant in this case.

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. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi