

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1572 of 2018**

- Rahul Gendre S/o Raja Gendre Aged About 17 Years His Natural Guardian Father Raja Gendre S/o Jagat Gendre, Age About 44 Years, R/o Balmiki Nagar, Block No. E-20, Kabir Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Kabirnagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For the Appellant : Mr. C.R. Sahu, Advocate.

For the State/Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Judgment on Board

02/01/2019

1. This appeal has been preferred against the order dated 19.9.2018 under the provisions of Section 101 (5) Juvenile Justice Court and protection Act passed by the Court below in Special Case No.4/2018 rejecting the application for grant of bail to the appellant.
2. The appellant is being prosecuted for the offence punishable under Sections 307 & 302 of Indian Penal Code (for short 'IPC') in which it is alleged that this appellant had assaulted and caused fatal injury to deceased Sheikh Gholu which resulted in his death.

3. It is submitted by counsel for appellant that no case is made out against the appellant that he has intentionally caused death of the deceased as the injury was caused on the thigh of deceased which is not a vital part of the body, therefore, he should be granted regular bail.
4. Learned counsel for the State has opposed the grounds raised in this appeal as also the arguments advanced by the counsel for the appellant. It is submitted that the appellant is being tried for the offence like murder, which is a heinous one, and apart from that, the trial against him is almost at the verge of completion, therefore, the appeal may be rejected.
5. I have heard learned counsel for the parties and perused the record of the trial Court including the impugned order.
6. Considered on the facts and circumstances of this case and the nature of allegation against the appellant, I do not feel inclined to allow this appeal and grant bail to the appellant.
7. In the result, the appeal has no substance, the same is liable to be dismissed and it is accordingly dismissed. However, the trial Court concerned is directed to conclude the trial against the appellant as early as possible, preferably within a period of two months from the date of communication of this order.

Sd/-
(Rajendra Chandra Singh Samant)
Judge