

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9020 of 2018**

Parmanand Sahu S/o Nirmal Sahu Aged About 30 Years R/o Village Eraikala, Thana Ghumka, District And Tahsil Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station Ghumka, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Samir Singh, Advocate
For the State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**07/01/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the photocopy of the arrest memo provided by the counsel for the applicant for perusal of this Court in connection with Crime No.146/2018 registered in Police Station Ghumka, District Rajnandgaon (C.G.) for the offence punishable under Section 307, 294, 506-B of IPC.
3. Case of the prosecution, in brief is that on 01/10/2018 at about 7.30 a.m. applicant had abused complainant Ramchand Maithil Kshatriya and caused injury on left side of his head by axe. As per the MLC report of said complainant one incised wound and one abrasion were found on his body. Incised wound was present on the head size 1cm x 1 cm x deep to bone. Injuries were caused by sharp object. As per the CT Scan report no obvious brain parenchyma injury was seen.
4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. State counsel has opposed the bail application.
6. As per the photocopy of the arrest memo no antecedent has reported against the applicant.
7. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the

evidence, the trial will take its own time, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.

8. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde