

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 10070 of 2018**

Sunny @ Monu Rajak, aged about 28 years, S/o Shri Nand Kishore Rajak, R/o Om Nagar, Jarhabhata, Bilaspur, Tahsil and District Bilaspur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Civil Lines, Bilaspur (CG).

---- Non-applicant

For Applicant	: Mr. Ranbir Singh Marhas, Advocate.
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

23.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.1050/2018 (wrongly mentioned as 2123/2018 in the impugned order) registered at Police Station Civil Lines, Bilaspur for the offence punishable under Section 307 of the Indian Penal Code.
3. Case of the prosecution, in brief is that the applicant is a husband of complainant Pooja Rajak. On 06.12.2018 at about 24 hrs in village Om Nagar, Jarhabhata, the applicant abused the said complainant and caused injury on her abdomen by knife. As per MLC report of said complainant, one step wound was found on her body and injury was caused by sharp object. Injury was dangerous to life.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. He further submits that no criminal antecedent is reported against the applicant in police case diary.
6. In the certified copy of Second Additional Sessions Judge, Bilaspur dated 12.12.2018, the said complainant had requested to that Court that the

applicant may be released on bail and now there is no dispute between her and the applicant.

7. Looking to these facts and circumstances of the case, looking to the request made by the said complainant before the Second Additional Sessions Judge, Bilaspur, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Accordingly, the bail application is allowed.

8. 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 Trial 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 co-operate during the trial, he shall be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-