

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 304 of 2020**

- Tuleshwar Prasad Rajwade S/o Shri Nandlal Rajwade, aged 40 years, Occupation – SECL Worker, R/o village Kuruwa, P.S. Vishrampur, Tehsil & District Surajpur (C.G.)

**---- Applicant****Versus**

- State of Chhattisgarh Through : Station House Officer, Surajpur, District Surajpur (C.G.)

**---- Respondent**


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| For Applicant  | : | Shri Shakti Raj Sinha, Advocate.     |
| For Respondent | : | Shri Anurag Verma, P.L.              |
| For Objector   | : | Shri Jitendra Shrivastava, Advocate. |

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**Hon'ble Smt Justice Rajani Dubey****Order on Board****25/02/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.362/2019, registered at Police Station – Surajpur, District Surajpur (C.G.) for the offence punishable under Sections 294, 506, 307 IPC.
2. The prosecution story, in brief, is that on 18.10.2019 at about 8.30 am, when complainant Ashok Kumar and injured victim Satendra Singh (Hajri Babu) were working in their section, the applicant came there and told Satendra Singh to mark his presence immediately, asked as to who deposed against him in report made to Saberina and assaulted him with *Gaiti* lying in the room as a result of which he fell down on the ground and became unconscious. Based on this, offence has been registered. The present applicant has been taken into custody on 22.10.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He also submits that the incident took place all of a sudden in which the injury was inflicted. The applicant was not having any intention to assault the injured as he did not come with preparation. He also submits that the doctor has opined that the injury sustained by the injured could be fatal to life if not treated in time. It is next submitted that the applicant is in custody since 22.10.2019 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application. He submits that the applicant has used deadly weapon Gaiti in the crime in question.
5. Shri Jitendra Shrivastava, counsel for objector vehemently opposed the bail applicant and submitted that the injured remained in hospital for 14 days and during this period the injured was operated twice. He further submits that the injured could have been died due to the injury sustained by him, and at present, his mental condition is not well. In support of his submission, he has filed medical documents, to which learned counsel for the applicant submits that the medical documents is not part of the charge sheet.
6. I have heard learned counsel for the parties and perused the case diary including the medical documents.
7. Considering the totality of the facts and circumstances of the case, and further considering the fact that the injured has been discharged from the hospital, the applicant is in custody since 22.10.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with

one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

**Sd/-**  
**(Rajani Dubey)**  
Judge

Pekde