

NAFR

HIGH COURT OF CHHATTISGARH BILASPUR

M.Cr.C. No.1510 of 2020

- Luttu @ Ritesh Pandey S/o Shri Vinay Pandey, Aged About 20 Years
R/o Chingrajpara, Ganesh Chowk, Bilaspur, Police Station - Sarkanda,
District - Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station Incharge Officer, Police Station -
Sarkanda, Civil And Revenue District - Bilaspur Chhattisgarh

---- Non-applicant

For Applicant : Mrs. M. Asha, Advocate.

For Non-applicant/State : Mr. Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-03-2020

1. This is second application for grant of regular appeal filed by the applicant. The first application filed as M.Cr.C. No.4717 of 2019 was dismissed as withdrawn on 16.09.2019 and liberty was given to file repeat application after examination of main witnesses.
2. It is submitted by learned counsel for the applicant that applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 08.05.2019. Charge-sheet has been filed on 23.03.2019 and charges have also been framed against the applicant but till date not a single witness has been examined. Therefore, the applicant is languishing in jail without any fault on his part. Rest of the co-accused persons in this case have been granted bail. Hence, it is prayed that this applicant may also be granted bail.
3. Learned counsel for the State/non-applicant opposes the submissions and submits that this applicant is the main accused who has assaulted the victim with a sword causing him various injuries and also that this applicant has a criminal history of having been prosecuted for 10

previous cases, therefore, he has no entitlement for grant of bail.

4. In reply, it is submitted by the learned counsel for the applicant that in most of the other cases registered against him, he was on bail in all the rest cases against him and also submitted that the offence under Section 307 of I.P.C. is not made out according to the medical evidence present in the charge-sheet.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, on the date of incident, this applicant along with other co-accused person abused, threatened and tied the complainant with rope and then this applicant assaulted the applicant with a sword causing him four incised wounds and the complainant had also been assaulted by other co-accused persons which has caused other injuries. Hence, this case.
7. Considered as there is no report that any of the injuries caused to the victim was fatal in nature, also that the co-accused persons are on bail and the case is pending since about nine months and not a single witness has been examined by the trial Court, therefore, I feel inclined to allow this application.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge