

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2632 of 2020

Krishna Mandale, S/o. Tahalu Ram Mandale (wrongly mentioned as Kalu Ram), aged about 28 years, R/o. Village – Tikari, P.S. Arjunda, District – Balod (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Arjunda, District Balod, Chhattisgarh.

---- Respondent

For Applicant	: Mr. B.P. Singh, Advocate
For Respondent/State	: Mr. Gagan Tiwari, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/05/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.50/2020, registered at Police Station – Arjunda, District – Balod (C.G.) for the offence punishable under Section 294, 506(B), 323, 326 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. There is no material for registration of offence under Section 326 of the Indian Penal Code according to the FIR

lodged by the victim. The applicant is in jail since 16.03.2020. Hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that rejection order mentions that victim was assaulted by an axe causing grievous injuries, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the FIR lodged, the victim was assaulted by the victim by using club, however, at a later stage, the police has investigated and found that in-fact an axe was used for the assault.
6. After considering the facts and circumstances of the case and looking to the length of detention the applicant has already undergone in jail, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge