

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3014 of 2020**

1. Dashruram Sahu S/o Faguwaram Sahu Aged About 80 Years
2. Rewti Raman S/o Kamta Prasad Aged About 35 Years (Wrongly Mention in the Impugned Order Aged About 42 Years),

Both are R/o. Village Tarenga, Thana Bhatapara (Gramin), District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Police Station Bhatapara (Gramin) District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Deepak Jain, Advocate
For Respondent/State	: Mr. Sameer Verma, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

08/06/2020

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 applicants, who have been arrested in connection with Crime No.48/2020, registered at Police Station – Bhatapara (Gramin) District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 307, 323, 506, 294/34 of the Indian Penal Code.
2. At the very outset, the learned counsel for the applicants prays to withdraw the bail application with respect to the applicant No.2, with

liberty to revive the same after filing of the charge-sheet.

3. It is submitted by the learned counsel for the applicant No.1 that the applicant No.1 has been falsely implicated in this case. No case is made out against the applicant. He is in jail since 19.05.2020. Hence, it is prayed that the applicant No.1 may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted the statement given by the victim and other witnesses is very clear against the applicant regarding commission of offence. Therefore, he is not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that on the date of incident because of quarrel, this applicant assaulted the victim Krishna Kumar Sahu with fire wood, then the applicant No.2 stabbed the victim with knife on his chest, because of which, he was seriously injured regarding which doctor has opined that injuries was fatal in nature.
7. Considering that the age of the applicant No.1 is about 80 years and the allegation against him is only regarding assault made by use of fire wood, therefore, considering the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant No.1 should be enlarged on regular bail.
8. Accordingly, the bail application in respect of the applicant No.1 filed under Section 439 of the Cr.P.C. is allowed and the bail application in respect of the applicant No.2 is dismissed as withdrawn with liberty as prayed.

9. It is directed that applicant No.1 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

Balram