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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4669 of 2020**

Rewti Raman S/o Kamta Prasad Aged About 35 Years (Wrongly Mention In The Impugned Order Aged About 42 Years), R/o Village- Tarenga, Thana- Bhatapara (Gramin), District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station- Thana- Bhatapara (Gramin), District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicant : Shri Deepak Jain, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.12.2020**

Heard.

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant. The first bail application of the applicant was dismissed as withdrawn on 8.6.2020 in M.Cr.C. No. 3014 of 2020. The applicant has been arrested in connection with Crime No.48 of 2020, registered at Police Station – Bhatapara, District – Baloda Bazar - Bhatapara, Chhattisgarh for the offence punishable under Sections 307, 323, 506 and 294/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 19.5.2020 and has been falsely implicated in this case. The case under Section 307 of the IPC is not at all made out as the victim of the case was in hospital admission for only 5 days before he was discharged which

shows that there had been no intention of the applicant to cause death of the deceased. The other co-accused, namely, Dashruram Sahu has been granted bail by this Court on 8.6.2020 in M.Cr.C. No. 3014 of 2020. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

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 this applicant is the main accused who has caused stab injury to the victim with a knife regarding which there is evidence present, therefore, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. As per the prosecution case, on the date of incident, because of some quarrel this applicant stabbed victim – Krishna Kumar Sahu with a knife on his chest because of which, he was seriously injured. The doctor has opined in the query report that the injury caused was fatal in nature.

6. Considered the submissions and the facts present in this case. As it is found that the victim in this case is now out of danger, the charge-sheet has been filed and the case is pending for trial and also the applicant is in jail since quite sometime, therefore, I am of the considered view that this is a fit case for grant of 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge