

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7180 of 2020**

Harishankar @ Sindhi, S/o. Kulanjan Navrange, aged about 18 years (wrongly mentioned as 25 years in the impugned order), R/o. Purani Basti, Balodabazaar, District Balodabazaar Bhatapara Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : P.S. City Kotwali Balodabazaar, District Balodabazaar Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Mr. Anchal Kumar Matrey, Advocate

For Respondent/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**09/11/2020**

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.467/2020, registered at Police Station – City Kotwali, Balodabazar, District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 307, 34 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 according to the material present in the case

diary. The FIR has been lodged against the applicant due to previous enmity, which is totally false. Charge-sheet has been filed after completion of investigation. He is in jail since 21.07.2020. Hence, it is prayed that the applicant may be released on 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 the statement of the victim under Section 161 of Cr.P.C. is very clear that the applicant and other co-accused person were assailant, who have caused a number of stab injuries, therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, it is alleged that the applicant along with one another co-accused person armed with deadly weapons formed unlawful assembly and with common object, assaulted Ankit and Yogesh by knife and stab injuries were caused to them.
6. Considered the submissions made. Considering the facts and circumstances of the case and the fact that the applicant has no criminal history and his age is only 18 years, 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

Arun