

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7120 of 2020

- Anant Ram Sahu S/o Shri Aghanu Sahu Aged About 23 Years R/o Village Tedhadhoura, Thana Fasterpur, District-Mungeli, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer Police Station Fasterpur, District-Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate.
For State/respondent	: Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/11/2020

1. This is first bail application under Section 439 of the Code of Criminal Procedure, 1973 filed on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.119/2020 registered at Police-Station-Fasterpur, District-Mungeli (C.G.) for commission of the offence punishable under Sections 307, 294, 506, 323 of IPC.
2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated in this case. The incident occurred because of dispute between applicant and the complainant side with regard to release of water from canal. Initially, FIR was registered for

commission of the offences punishable under Sections 294, 323 and 506 of IPC, but later on the offence under Section 307 of IPC has also been added on the basis of the Medico Legal Report. Injury inflicted to the injured victim was not fatal in nature, therefore, no offence under 307 of IPC is made out. The applicant and the complainant both have entered into compromise and in support thereof, document has also been filed along with application. Applicant is in jail from 22.9.2020, hence, it is prayed that he 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 this applicant inflicted injury upon the victim with an Axe causing fracture on his skull for which the victim had to undergo treatment for about 06 days. Therefore, looking to the part of body where injury has been inflicted by applicant, the offence under Section 307 of IPC is clearly made out. Hence, the application is liable to be rejected.
4. I have heard the learned counsel for both sides and perused the case diary.
5. As per the prosecution case, it is alleged that on the date of incident a dispute arose between the applicant and complainant Ramcharan Sahu regarding drawing of water from canal and in that process, the applicant firstly abused and threatened the complainant and then assaulted him with an Axe which resulted in one injury on the right side of his head. After lodging of FIR and medical examination of victim, the offence has been registered against the applicant.
6. Considering on the submissions and the nature of dispute behind the incident that has taken place and also considering the nature of injury

that has been caused to the victim in this case, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha