

HIGH COURT OF CHHATTISGARH AT BILASPURMCRC No. 1000 of 2021

1. Shubham Prajapati S/o Shri Manoj Prajapati Aged About 25 Years R/o Kumharpara, Karbala, Police Station City Kotwali, Tahsil And District Bilaspur Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Bilaspur Chhattisgarh.

---- **Respondent**

For applicant	:	Ms. M. Asha, Advocate.
For resp./State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/05/2021**

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No. 04/2021 registered at Police Station City Kotwali, District Bilaspur (C.G.) for the offence punishable under Section 294, 324, 307, 34 and 506 B of IPC and Sec. 25 of Arms Act.
2. The present applicant is in jail since 10.01.2021 in connection with the aforesaid Crime Number.
3. As per prosecution case, the present applicant along with co-accused person is said to have attacked the injured Raman Khatik with a knife and have caused an injury on the lower portion of hip. The present applicant was arrested on 10.01.2021 and since then he is in jail.
4. Counsel for the applicant submits that the present applicant has already remained in custody for a period of more than five months and that there is only one injury that too below the hip and therefore

the offence under Section 307 may not be made out and the present applicant may be released on bail.

5. The State Counsel on the other hand opposing the bail application submits there is an injury of around 15cm below the hip of the injured Raman and there are statements which show that the injury has been caused by the present applicant and therefore considering the size of injury the offence u/s 307 would definitely be made out and the applicant does not deserve to be released on bail.
6. Having heard the contention put forth on either side and on perusal of records, particularly taking note of the fact that there is only one injury that too below the waist of the injured Raman and the fact that the applicant has already remained in custody for a period of more than five months, and taking into consideration the pandemic situation also, this Court is of the opinion that a strong case for grant of bail has been made out.
7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on executing a personal bond for a sum of Rs.50,000/- with two sureties in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sd/-

(P. Sam Koshy)
VACATION JUDGE