

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1216 of 2021

- Imran Ali S/o Mohammad Ali Aged About 45 Years R/o Jawahar Nagar, Bhilai Tehsil And District Durg Chhattisgarh

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through The Station House Officer, Mohan Nagar Durg District Durg Chhattisgarh

---- Respondent

For Applicant	: Shri Avinash Chand Sahu, Advocate
For Respondent/State	: Shri BL Sahu, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

30.07.2021

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No. 471 of 2019 registered at Police Station- Mohan Nagar, District-Durg, Chhattisgarh for the offence punishable under Section 307 of IPC .
2. Case of the prosecution, in brief, is that on 21.08.2019, complainant was standing at Subhash Chowk with his Auto bearing No. CG07 BB 4396 at about 1 pm. At that relevant time, when applicant came there, complainant asked him about money of Home theatre and Sound system, amounting to Rs.10,000/-, which he gave to applicant for repairing, but not returned. Applicant stated that he has to recover Rs.2,000/- from a person of Fruit Market and asked complainant to accompany him, so that he can give Rs.2,000/- to him. Complainant took applicant in his Auto along with his bicycle to Fruit Market. Applicant went inside the market, and returned in the evening at about 4 pm and said that, the person from whom he has to recover money, was not present. While returning back in Auto, some dispute took place and

present applicant has assaulted complainant by means of one instrument used for cutting electric wire on his chest and further, he suffered injuries on his hand and finger. Incident was reported to concerned Police Station, based upon which, instant crime has been registered against present applicant and he was arrested on 23.08.2019.

3. Shri Avinash Chand Sahu, learned counsel for the applicant submits that incident took place on trivial issue. Applicant has not assaulted him, but during the course of scuffle between them, he suffered injuries, which have been mentioned as simple in nature in MLC report. Applicant was arrested on 23.08.2019 and he is not having any criminal past against him. Hence, He may be enlarged on bail.

4. Shri BL Sahu, learned State counsel opposing the submissions of learned counsel for the applicant, submits that the allegations levelled against the present applicant are serious in nature. While returning in Auto, applicant assaulted complainant on vital parts of his body, hence, applicant is not entitled for regular bail under Section 439 of CrPC.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegation levelled against the present applicant, nature of injuries, fact that the applicant was arrested on 23.08.2019 and there is no criminal antecedent against applicant as stated by learned State counsel, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

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