

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1314 of 2021

- Champesh Marai, son of Shiv Kumar Marai, aged about 25 years, r/o Ward No.2, Rajeev Nagar, Durg, District Durg, Chhattisgarh

---- Applicant (In jail)

Versus

- State Of Chhattisgarh, Through Station House Office, Police Station Kotwali, Durg, District Durg Chhattisgarh

---- Respondent

For Applicant	: Shri Rudranath Mukherjee, Advocate
For Respondent/State	: Shri Sudhir Sahu, Panel Lawyer

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

22.07.2021

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. 507 of 2020 registered at Police Station- Kotwali Durg, District Durg, Chhattisgarh for the offence punishable under Section 307 of IPC and Section 25 of Arms Act.
2. Case of the prosecution, in brief, is that on 31.07.2020 at about 8.45 pm, when complainant/victim was standing near Rajesh Kirana Shop along with his friends, namely, Rahul, Golu @ Parmanand Yadav, Jeevan Yadav and Saurabh Sinha, at that relevant time, present applicant came there with knife in his hand and assaulted Saurabh Sinha due to old enmity. In the said incident, injured suffered stab injury over his abdomen and on his hand. Incident was reported to Police Station, based upon which, instant crime was registered against the present applicant.
3. Shri Rudranath Mukherjee, learned counsel for the applicant submits that injured Saurabh Sinha, and his friends who are anti social elements and

engaged in committing crime. When the applicant was crossing Rajesh Kirana Shop, at that relevant time, Saurabh Sinha along with his friends started dispute, due to which there was fight between them and Saurabh Sinha suffered injuries. He further submits that injuries suffered by Saurabh Sinha were not so grievous, as he was admitted in hospital on 01.08.2020 and was discharged on 03.08.2020, after recovery. Applicant was arrested on 01.08.2020, there is no criminal antecedent against present applicant, hence he may be enlarged on bail.

4. Shri Sudhir Sahu, learned State counsel opposing the submissions of learned counsel for the applicant, submits that it is the applicant, who came near Rajesh Kirana Shop and stated that he would kill Saurabh Sinha and started assaulting him by means of knife, hence he is not entitled for benefit under Section 439 of CrPC. However, he does not dispute the submission that applicant is not having any criminal antecedent, and submits that nothing is mentioned in the case diary and further admits that applicant was discharged from hospital on 03.08.2020, after his recovery.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegation levelled against the present applicant, facts and circumstances of the case, undisputed fact that injured Saurabh Sinha was discharged from the hospital within three days, and applicant is in jail since 01.08.2020, without commenting anything on merit, 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

padma