

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1414 of 2021**

Piteshwar Sahu S/o Shri Shankar Lal Sahu, Aged About 25 Years R/o Near Shitla Mandir, New Changorabhatha, Raipur Distt. Raipur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station D.D. Nager, Raipur, District Raipur Chhattisgarh.

---- Non-applicant

 For Applicant : Mr. Pradeep Singh Rathore, Advocate
 For Non-applicant/State : Mr. Vaibhav Singh, P.L.

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

15.07.2021

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 14.10.2020 in connection with Crime No.346 of 2020 registered at Police Station D.D. Nagar, Raipur, District Raipur C.G. for commission of offence punishable under Sections 307, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 14.10.2020 when complainant was returning to his house after morning walk and reached near Shitla Temple, present applicant along with his father Shankar Lal came there and started assaulting the complainant. The present applicant assaulted by means of hands and fists and Shankar Lal Sahu (father of applicant) has given knife blow to the complainant, upon which, complainant suffered

one stab injury over his upper part of abdomen. The incident was reported to concerned police station, based upon which, crime was registered against the present applicant.

3. Mr. Pradeep Singh Rathore, learned counsel for the applicant submits that there is specific allegation of giving blow by knife against Shankar Lal Sahu and allegation against the present applicant is only with regard to assault by hands and fists. He submits that Shankar Lal Sahu has been enlarged on bail by the Court below and application of present applicant has been dismissed only on the ground that present applicant is having criminal antecedent against him. He submits that injuries suffered by complainant are simple in nature, therefore, he was discharged from the AIIMS Hospital on same day. It is contended that applicant is in jail since 14.10.2020 and till date, trial is not commenced, which may take time, hence, applicant may be enlarged on bail.
4. On the other hand, Mr. Vaibhav Singh, learned P.L. for the State opposes the prayer for grant of bail and submits that bail application of present applicant has been rejected only on the ground that he is having criminal antecedent against him. He submits that there are as many as seven criminal antecedents against him including the offence under Sections 294, 323, 506 of the I.P.C, Sections 25 and 27 of the Arms Act as well as Section 354 of the I.P.C.
5. I have heard learned counsel for the parties.

6. Taking into consideration the facts and circumstances of the case, nature of allegations, act of present applicant that he has made assault on the complainant by hands and fists only and the fact that applicant is in jail since 14.10.2020, without commenting anything on the merits of the case, I am inclined to enlarge the applicant on regular bail.
7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
- a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) He 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