

NAFR

**HIGH COURT of CHHATTISGARH, BILASPUR****MCRC No. 1426 of 2021**

- Deependra @ Mashan Gond, son of Anandram Gond, aged about 21 years, R/o ward no. 38, Police Station Basantpur, Tahsil and District Rajnandgaon, Chhattisgarh

**-----Applicant****VERSUS**

- State of Chhattisgarh through: the SHO, police station Dongergaon,, District Rajnandgaon, Chhattisgarh

**-----Non-applicant**


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| For Applicant            | : Mr. Pramod Ramteke, Advocate   |
| For Non-applicant/ State | : Mr. Sudheer Sahu, Panel Lawyer |

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**Hon'ble Shri Parth Prateem Sahu, Judge*****(proceedings through video conferencing)*****ORDER****26/07/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 238/2020 registered at Police Station Dongergaon, District Rajnandgaon (C.G.) for the offence punishable under Sections 307, 364/34 of IPC.
2. Case of the prosecution is, that on 28.10.2020, at about 10:00 pm, complainant, Jagdish Sahu, was sleeping in his house, at that relevant time, co-accused Durga Bai, present applicant and minor child in conflict with law, came to his house and took the complainant along with them. When they reached near Arjuni Pul, minor child, in conflict with law, gave blow with knife on his abdomen and asked the applicant, who was driving the motor cycle, not to stop the motor cycle. After some distance, present applicant stopped the motor cycle near village Rampur and gave the vehicle to minor child, in conflict with law, to drop co-accused Durga Bai to her house. After sometime, the minor child, in conflict with law, came to the place where applicant and the injured were present. Present applicant and

minor child, in conflict with law, took the complainant in the nearby field and assaulted him by means of knife over his hand, leg and back. Thereafter, present applicant and another co-accused left the place of incident. Injured, thereafter, reached the house of his maternal uncle-in-law, thereafter, lodged the complaint. Based on which, instant crime was registered against present applicant.

3. Mr. Pramod Ramteke, learned counsel for the applicant submits, that it is the co-accused minor child, in conflict with law, who has assaulted the injured by means of knife. He submits that the injured took treatment as in-patient only for three days, thereafter, he was discharged from hospital. Injuries suffered are not over the vital parts of body but on leg, hand and thigh. He submits that, applicant is in jail since 30.10.2020, hence, applicant may be enlarged on bail.
4. On the other hand, Mr. Sudheer Sahu, learned State counsel, opposes the submissions made by the learned counsel for the applicant and submits that the applicant is also involved in the instant crime. As per allegation, the applicant and the minor child, in conflict with law, both assaulted the complainant by means of knife who suffered multiple stab injuries on his person. Upon putting specific query to learned State counsel with regard to injuries suffered by complainant on abdomen, he submits that as per MLC report, there was no injury over his abdomen. However, he admits that injured was discharged from the hospital after three days.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegation, injuries suffered by complainant, applicant was arrested on 30.10.2020, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a personal bond in the

sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Court below on the conditions that-

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

Certified copy as per rules.

Sd/-  
**(Parth Prateem Sahu)**  
Judge

Pawan