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HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Proceedings through Video Conferencing****M.Cr.C. No. 1634 of 2021**

Suraj Khatik son of Naththu Khatik, aged about 25 years, Resident of Ramayan Chowk, Jabdapara, Bilaspur, Police Station Sarkanda, District Bilaspur (CG).

---Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station City Kotwali, Bilaspur, District Bilaspur (CG).

---Non-applicant

For Applicant	: Ms. M. Asha, Advocate
For Non-applicant/State	: Mr. B.P. Banjare, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****31.05.2021**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 11.01.2021 in connection with Crime No.04/2021 registered at Police Station City Kotwali, Bilaspur, District Bilaspur (C.G.), for the offence punishable under Sections 294, 324, 307, 34, 506B of the Indian Penal Code and Section 25 of the Arms Act.

2. Case of the prosecution, in brief, is that on 09.01.2021 at about 11.00 am due to previous money dispute, the co-accused Shubham Prajapati has abused and assaulted to the injured Raman Khatik with the help of knife and the present applicant was also present there at the time of incident and instigated the co-accused Shubham Prajapati. The present applicant was arrested on 11.01.2021 and since then he is in jail.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. The present applicant has already remained in custody for a period of more than three 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. The main co-accused has already been granted bail by the co-ordinate Bench of this Court on 19.05.2021 and, therefore, the present applicant may also be released on bail.

4. On the contrary, learned State counsel opposes the application for grant of bail.

4. Looking to the facts and circumstances of the case, nature and gravity of offence, period of detention and also considering the fact that the trial will take some more time for its conclusion and as per submission of counsel for the applicant the main accused has already been granted bail by the co-ordinate Bench of this Court, without further commenting on merits of the case, I am inclined to release the applicant on bail.

5. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 25,000/- with two sureties in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial court regularly on each and every date as per direction of the court, unless exempted from appearance.

6. In view of the above, I.A. No.01/2021 for hearing the case during summer vacation and I.A. No.02/2021 for urgent hearing stand disposed of.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
VACATION JUDGE

L/-