

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 1581 of 2021**

- Vishal Kerketta S/o Bhuneshwar Kerketta, aged about 20 years, R/o Lodhima Manjhapara, Police Station and tahsil Sitapur, District Surguja Chhattisgarh

-----Applicant

VERSUS

- State of Chhattisgarh through: Police outpost Manipur, Police Station- Ambikapur, Distt. Surguja, Chhattisgarh

-----Respondent

For Applicant	: Mr. Amarnath Pandey, Advocate.
For Respondent- State	: Mr. Vaibhav Singh, Panel Lawyer.

(proceedings through Video Conferencing)**Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****08/07/2021**

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. 749/2020 registered at Police Station Outpost Manipur, Ambikapur, District Surguja (C.G.) for the offence punishable under Section 307 IPC.
2. As per the case of prosecution, on 08.11.2020, there was ceremony of marriage/ baroukhi at the house of Gurucharan Uraon. Injured Lalchand Yadav who is resident of same vicinity also went to see the program. Lalchand brought to his house under the bleeding condition who suffered injury over his neck. When wife of injured asked him with regard to injury, he intimated her about the incident of assault by applicant due to old enmity in intoxicated condition. Wife of injured Arti Yadav lodged F.I.R., based on which, instant crime was registered against present applicant.
3. Mr. Pandey, learned counsel for the applicant submits that the contents of F.I.R. itself would show that there was some function on account of

marriage at the house of Gurucharan Uraon. Present applicant and injured Lalchand were present there. Applicant was in intoxicated condition and allegedly gave only one blow of razor blade. In the query report, it has come that the injury suffered by injured Lalchand was simple in nature. He further submits that the applicant is in jail since 11.11.2020 and there is no other criminal antecedent against him, hence, he may be enlarged on bail.

4. Mr. Vaibhav Singh, learned Panel Lawyer for the State, while opposing the submission made by learned counsel for the applicant, would submit, that there is specific allegation of assault by applicant with razor blade over the vital part of body ie. neck. He further submits that there are 2 query reports. In query report dated 05.01.2021, it is mentioned that if injury had caused little deep to the vein then it would have been resulted in death of injured. He submits that looking to the allegation against the present applicant, he is not entitled for grant of bail.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration that as per the allegation, assault by the present applicant has been in intoxicated condition, applicant has caused only one injury. In one of the query reports, it is mentioned about nature of injury to be simple, applicant is in jail since 11.11.2020 and there is no criminal antecedent of the present applicant, 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 bail bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Court 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