

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3295 of 2021

1. Shambhuraam Yadav S/o Rajauram Yadav, Aged About 28 Years, R/o Rajapara Kanker, District Uttar Baster Kanker (C.G.).

---- Applicant

Versus

1. The State Of Chhattisgarh, Through Police Station Kanker, District Uttar Baster Kanker (C.G.).

---- Non-applicant

For Applicant	:	Mr. Parage Kotecha, Advocate.
For Non-Applicant/State	:	Mr. C.B. Kesharwani, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya
Order on Board

24/06/2021

- 1) The matter is heard through video conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in custody since 29/08/2020 in connection with Crime No. 237/2020, registered at Police Station Kanker, District Uttar Baster Kanker (C.G.) for the offence punishable under Sections 294, 323, 307, 324, 352, 506B, 34 of the Arms Act.
- 3) Case of the prosecution, in brief, is that on 28/08/2020 at about 07:00 PM complainant Madhu Kumar Markam alongwith his friend Sunil Yadav and Chintu had gone to Gadiya Hill, where the present applicant alongwith co-accused Sumit Yadav came there and due to previous enmity, the present applicant Shambhu Yadav assaulted Sunil Yadav with a knife like weapon on his chest as a result of which blood started oozing. When the complainant and his friend Chintu intervened, they also sustained injury. On report being lodged to the above effect, offence has been registered against the accused persons.

- 4) Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He submits that similarly situated co-accused Sumit Yadav has already been granted bail by this Court vide order dated 03/03/2021 in MCRC No. 831/2021. He submits that the applicant is in jail since 11/03/2021, charge sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 6) I have heard the learned counsel appearing for the parties.
- 7) Considering the facts and circumstances of the case, the fact that the main allegation of assault is against the present applicant, the nature of injury sustained by the victim over lungs and chest, the case of the present applicant is distinguishable on facts from the case of the co-accused Sumit Yadav who has been granted regular bail by this Court, charge sheet has already been filed, as per impugned order of the Trial Court charge sheet has already been framed and number of witnesses have been examined during trial and therefore, the trial appears to be in progress and likely to be concluded in near future, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**.

-Sd/-
(Gautam Chourdiya)
Judge