

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.5250 of 2021**

- Deepak Verma, aged around 30 years, S/o Late Narayan Prasad Verma, R/o village Janji, Thana Seepat, District Bilaspur (CG)
---- **Applicant (In Jail)**

Versus

- State of Chhattisgarh, Station House Officer, PS- Seepat, District-Bilaspur (CG).

....Non-applicant

For Applicant : Mr. Praveen K Soni, Advocate.
For Non-applicant : Mr. Uddhav Sharma, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****01.11.2021**

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 15.6.2021 in connection with Crime No.237/2021 registered at Police Station Seepat, District Bilaspur (CG) for commission of offence punishable under Section 307 of the Indian Penal Code.
2. Case of prosecution, in brief, is that on 15.6.2021 at about 1:30 p.m. in noon, applicant entered into house of complainant, assaulted him by means of pickaxe and caused injuries on his head, eyebrow and nose. Based on report of complainant, aforementioned crime is registered against applicant and he was arrested.
3. Mr. Praveen Kumar Soni, learned counsel for applicant would submit that applicant has been falsely implicated in aforementioned crime. In complaint no reason has been

assigned for causing injuries to complainant, though as per allegations, three injuries are alleged to have been caused on head & face, but no fracture injury is suffered by complainant. Complainant took treatment as in-patient and he was discharged without any complication within 16 days from date of his admission in hospital. He submits that application of applicant for grant of compassionate appointment is pending before the authority concerned and if applicant is not released on bail, then his career will be affected adversely. Applicant is in jail since 15.6.2021, hence he may be granted regular bail.

4. Per contra, Mr. Uddhav Sharma, learned State Counsel opposes the submissions made by learned counsel for applicants and submits that applicant while sitting in the house of complainant has suddenly assaulted him and caused three injuries from pickaxe. Complainant suffered grievous injuries, he took treatment for about 15 days as inpatient, hence applicant is not entitled for grant of regular bail. On putting specific query as to whether complainant suffered any fracture injury on skull, learned State Counsel replied that there is no mention of fracture injury in the documents available in case diary.
5. I have heard learned counsel for the parties.
6. Taking into consideration facts and circumstances of case, nature of allegations, period of pre-trial detention; the fact that applicant is in custody from 15.6.2021 and he is not having any criminal antecedent, as submitted by learned State Counsel, without commenting anything on merits of case, I am

inclined to allow the bail application.

7. Accordingly, the application is allowed and it is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court below concerned on the conditions that;

- a) he shall appear before the trial Court concerned regularly on each & every date unless exempted from appearance.
- b) he shall not, in any manner, tamper with the prosecution witnesses.
- c) If he 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

roshan/-