

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5825 of 2021

1. Ajendra Rajput S/o Shri Digember Rajput, Aged About 30 Years, R/o Ward No. 15, Mandi Para, Police Station And Tehsil Bagbahra, District Mahasamund (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Bagbahra, District Mahasamund (C.G.).

---- Non-Applicant

For Applicant : Mr. Arun Kumar Shukla, Advocate.
For Non-Applicant/State : Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

01/09/2021

- 1) The matter is heard through Video Conferencing.
- 2) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as he is in jail since 09/07/2021 in connection with Crime No. 148/2021 registered at Police Station Bagbahra, District Mahasamund (C.G.) for the offence under Section 307 of Indian Penal Code.
- 3) As per prosecution case, on 08/07/2021 at around 07:30 PM when the complainant Monu Jagat alongwith Uttam Yadav was returning to his house after selling fish, Aajju Rajput @ Ajendra Rajput (present applicant) was abusing filthily near the house of the Kamlesh Chinda. When the complainant objected to it, the present applicant having threatened him of life, assaulted him with knife with intention to commit his murder on his head and chest. However, the complainant was rescued by Uttam Yadav who too was assaulted by the applicant as a result of which Uttam Yadav also suffered incised wound on right forearm. On

report being lodged to the above effect, the aforesaid offence has been registered against the present applicant.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. As per the medical report, the injuries suffered by the victim are not grievous in nature. There was no intention on the part of the applicant to commit murder of the complainant and in fact the incident took place on the spur of moment and therefore offence under Section 307 of Indian Penal Code is not made out against the applicant. He submits that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding. He further submits that the applicant is in jail since 09/07/2021 and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail on ground of parity.
- 5) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has no criminal antecedents.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the nature of injury suffered by the complainant/victim i.e. incised wound over occipital region of size 6cmX1cmX1cm and incised wound over right chest of size 5cmX1cmX.5cm which are opined to be grievous injuries, though Uttam Yadav (independent eye witness) suffered superficial incised wound over right forearm but considering the manner in which the offence as allegedly committed by the applicant causing grievous injuries to the complainant, the dairy statements of injured eye witness Uttam Yadav, Seema Yadav and Santosh Yadav, the memorandum statements of the applicant which led to seizure of the weapon of offence, the promptly lodged FIR naming the applicant as assailant and other material available on record, without commenting anything on merits of the case, this Court is not

inclined to release the applicant on bail. Accordingly, the application is **rejected**. However, if the trial is not concluded within a period of six months from today, the applicant shall be at liberty to repeat his prayer for bail.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant