

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6776 of 2021**

Deepak Panika S/o Prakash Panika Aged About 21 Years R/o
Aamanala, Godripara, Police Station And Tahsil Chirimiri, District
Koriya, CG

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Chirimiri, District Koriya, CG

---- Non-applicant

For applicant	Mr. B. Madhav Rao, Adv.
For non-applicant/State	Mr. B.P. Banjare, Dy. Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****11-11-2021**

1. As per applicant, this is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 123/2021 registered in police station Chirimiri, Distt. Koriya, (CG) for offence punishable under 294, 506, 323, 326, 34 of the IPC.
3. Brief facts of the case are that on 30-4-2021, complainant Rahul Kumar lodged report under Section 294, 323, 506, 34 of the IPC in PS Chirimiri, stating that when he and one Sumit Kumar had gone to Babu Garage, Amanala to demand amount of loss caused to them due to damage of their vehicle, from Manish and present applicant Depak Panika, then applicant and co-accused Manish abused them in filthy language, and threatened them to kill, committed marpit with them with hands and fists and wooden stick, due to which Rahul sustained injuries on his head and leg and Sumit sustained injury on head and left eye. Both the injured persons were examined by doctor and on the query made by police, the doctor opined that injury sustained by Sumit on his eye was grievous in nature and he has lost eye sight.
4. Counsel for the applicant argued that applicant has been falsely implicated in this case. He is not involved in the alleged crime. Injured

Sumit Kumar was admitted in the District Hospital, Baikunthpur only for 3 days, charge sheet has been filed. The applicant is in jail since 15-7-2021. Therefore, there is no chance of tempering the witnesses. Hence, he may be released on bail.

5. On the other hand, State Counsel opposed the bail application and submitted that due to the injury caused by the applicant and co-accused, Sumit Kumar has lost vision of left eye. The injuries caused by the accused persons are grievous in nature. Trial is going on. Therefore, bail application may be rejected.
6. I have heard counsel for both the parties and perused the case diary and material available on record.
7. Considering the facts and circumstances of the case, nature and gravity of offence, also taking into consideration that the applicant is in jail since 15-7-2021, charge sheet has been filed and trial may take more time, offence is triable by JMFC, I feel inclined to allow the bail application. Therefore, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.
8. CC as per rules.

Sd/-
(N.K. Chandravanshi)
Judge