

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6758 of 2021**

Ramdas Agariya S/o Kartikram Agariya Aged About 48 Years R/o
Village Gangpur, Police Station Gaurela, Tahsil Pendra Road, District
Gaurela Pendra Marwahi CG

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station
Gaurela, District Gaurela Pendra Marwahi CG

---- Non-applicant

For applicant	Mr. Vijay Mishra, Adv.
For non-applicant/State	Mr. Amit Verma, PL

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****24-11-2021**

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. 234/2021 registered in police station Gaurela, (CG) for offence punishable under Section 294, 506, 323, 324, 326 of IPC.
3. Brief facts of the case are that on 23-6-2021, applicant came to the house of the complainant in intoxicated condition holding a Carpenter axe, abused the complainant, threatened to kill him, and assaulted him by the carpenter axe, causing cut injury on his cheek, face, mouth and also broken his two teeth. Based on above facts, present crime was registered against him under the aforesaid sections.
4. Counsel for the applicant argued that the applicant has been falsely implicated in this case. The injury caused to the applicant is simple in nature, no teeth have been broken because as per charge sheet, no broken teeth have been seized. Applicant is in jail since 19-8-2021, charge sheet has already been filed. Hence the applicant may be enlarged on bail.
5. On the other hand, the State Counsel opposed the bail application and submitted that the applicant assaulted upon the complainant by means of carpenter axe and he not only broken his two teeth but due

to injury caused to the complainant, 27 stitches were made upon his face. Hence, bail application is liable to be rejected.

6. I have heard counsel for both the parties and perused the case diary and the material available on record.
7. Considering the facts and circumstances of the case, further taking into consideration the detention period of the applicant, nature and gravity of offence, and no teeth have been seized, he is said to be permanent resident of distt. Gaurela Pendra Marvahi, 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