

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.7611 of 2021**

- Jhaleshwar @ Choti Sahu, S/o Baldev Sahu, aged about 20 years, R/o Newai Bhata Bajrang Chowk Durg (CG)  
---- Applicant (In Jail)

**Versus**

- State of Chhattisgarh, through SHO, Newai District- Durg (CG).  
....Non-applicant

---

|                   |   |                                  |
|-------------------|---|----------------------------------|
| For Applicant     | : | Mr. B.P. Singh, Advocate         |
| For Non-applicant | : | Mr. Anil Tripathi, Panel Lawyer. |

---

**Hon'ble Mr. Justice Parth Prateem Sahu****Order On Board****01.12.2021**

1. This is first application on behalf of applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in custody since 3.8.2021 in connection with Crime No.262/2021 registered at Police Station Newai, District Durg (CG) for commission of offence punishable under Sections 452, 294, 323, 327, 506 of IPC.
2. Case of prosecution, in brief, is that on 3.8.2021 at about 4:30 p.m. when complainant was alone in her house, applicant entered into house, demanded money from her for consumption of liquor and on her refusal, abused her filthily and caused injury on her cheek by a cutter which is used in cutting thermacol. Incident was reported to concerned police station based on which crime in question is registered against applicant and he was arrested on 4.8.2021.
3. Mr. B.P. Singh, learned counsel for applicant would submit that applicant has not committed any offence as alleged against him. There is friendly relationship between applicant and complainant; due to some dispute, report has been lodged by complainant making false allegations therein. Even otherwise, as per MLC report only one simple injury is suffered by complainant over her cheek, which indicates that applicant has no intention to cause injuries to complainant. Applicant is in jail since 3.8.2021, hence he may be enlarged on regular bail.

4. On the other hand, Mr. Anil Tripathi, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that applicant entered into house of complainant, who is a girl, and caused injury on her cheek by a cutter. The offence committed by applicant is serious in nature, hence he is not entitled for grant of regular bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration facts and circumstances of case, nature of allegations; nature of injury; the fact that offence is triable by Magistrate and applicant is in jail since 3.8.2021, without commenting anything on merits of case, I am inclined to enlarge applicant on regular bail. Accordingly, bail 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 satisfaction of trial Court concerned on the conditions that;
  - a) he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
  - b) he shall not, in any manner, tamper with the prosecution witnesses.
  - c) If applicant 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/-