

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.7578 of 2021**

- Monu @ Suryakant Rajput, aged about 21 years, S/o Prem Singh, R/o Indira Nagar, Behind Sharda Manglam, PS Janjgir, District Janjgir Champa (CG)

**---- Applicant (In Jail)****Versus**

- State of Chhattisgarh, through SHO, PS Janjgir, Dist. Janjgir Champa (CG)

**....Non-applicant**


---

|                   |   |                                   |
|-------------------|---|-----------------------------------|
| For Applicant     | : | Mr. Ravindra Sharma, Advocate.    |
| For Non-applicant | : | Mr. Srikant Kaushik, Panel Lawyer |

---

**Hon'ble Mr. Justice Parth Prateem Sahu****Order On Board****20.12.2021**

1. This is first application under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail to applicant as he is in custody since 8.9.2021 in connection with Crime No.223/2021 registered at Police Station Janjgir, District Janjgir Champa (CG) for commission of offence punishable under Sections 294, 506B, 323, 307/34 of the Indian Penal Code.
2. Case of prosecution is that on 26.5.2021 at about 9:30 p.m. cousin brother of injured-complainant was sitting along with applicant near Indira Nagar, Janjgir. Complainant came there, asked his cousin brother to go back home, whereupon some hot talk took place between applicant and complainant. Applicant caused injury on abdomen of complainant by means of sharp edged weapon. Complainant immediately lodged

report of incident in concerned police station, based upon which aforementioned crime is registered initially for commission of offence under Sections 294, 506B, 323, 34 of IPC. Later on, based on query report of doctor, offence under Section 307 IPC is also added at the time of filing of charge sheet.

3. Mr. Ravindra Sharma, learned counsel for applicant would submit that there was no prior intention of applicant to quarrel and cause any injury to complainant. Dispute suddenly arose between applicant and complainant on a trivial issue; there was scuffle between them and during scuffle complainant suffered injuries by some article. Applicant has not caused any injury to complainant, as alleged against him, by means of knife. Even, injury suffered by complainant was simple in nature. From the dimension of injury mentioned in MLC report, it is evident that injury was simple. Applicant is 21 years old young boy, he is not having any other criminal antecedent against him and he is in jail since 8.9.2021, hence he may be enlarged on regular bail.
4. Per contra, Mr. Srikant Kaushik, learned Panel Lawyer for the State opposes submissions of learned counsel for applicant and submits that serious allegations are levelled against applicant. When complainant asked his cousin brother to go back home, applicant quarrelled with complainant and caused injury on his abdomen by means of a knife. Complainant remained in hospital for nine days. On being asked about

condition of complainant at the time of discharge from hospital, he submits that there is no mention of any complication in discharge ticket available in case diary. He also submits that there is no mention of any other criminal antecedent against applicant in case diary.

5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of case, nature of allegations, manner in which incident is stated to have been occurred; nature of injury suffered by complainant; period of pre-trial detention i.e. since 8.9.2021, the fact that applicant is not having any other criminal antecedent, without commenting anything on merits of case, I am inclined to enlarge applicant on regular bail. Accordingly, application is allowed and it is directed that applicant shall be released on regular 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 & every date unless exempted from appearance.
  - b) he shall not, in any manner, tamper with 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.

Sd/-  
(Parth Prateem Sahu)  
Judge

roshan/-