

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 8387 of 2020

Deepak Singh Nepali, S/o Kumar Singh, aged about 28 years, R/o Near Marya Residence, 18 No. Road, Camp-1, Prem Nagar, Police Station Chhavni, Bhilai, District Durg (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through – Police Station Chhavni, Bhilai, District Durg (C.G.)

---- Non-applicant

For Applicant : Mr. T.K. Jha & Mr. Uttam Pandey, Advocate.
For Non-applicant/State : Mr. Neeraj Pradhan, P.L.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/03/2021

Heard.

1. The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 99/2020 registered at police Station Chhavni, District Durg (C.G.) for the offence punishable under Sections 307, 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant with an intention to cause death assaulted the victim with the help of knife and injuries were caused to him.
3. Learned counsel for the applicant would submit that it is a case of simple dispute and quarrel and there was no intention to cause death nor the injuries caused could have resulted in death if not treated. He would further submit that the applicant is in custody since 21.02.2020; and

pre-trial detention has not been concluded, therefore, on the ground of non pre-trial detention, the applicant may be granted bail at this stage.

4. On the other hand, learned Counsel for the State while opposing the bail applicant would submit that the weapon used and the part of the body, where the injuries were caused, though simple in nature, but the prosecution makes out a case of intention to cause death and, therefore, the applicant is not entitled to be released on bail.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the injuries, which have been caused to the victim, are only simple in nature and there is no report that if not treated, the injuries could have caused death and also taking into consideration that the applicant is in jail since 21.02.2020, trial has not been concluded till date and pre-trial detention has exceeded more than one year, I am inclined to release the applicant on bail.
6. The application is accordingly allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Manindra Mohan Shrivastava)

Judge

D/-