

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.7722 of 2021**

- Jawahar Lal Sahu, S/o Brijlal Sahu, aged about 26 years, R/o village Amdi, Police Station Arjuni, Tahsil & District Dhamtari (CG)

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

Versus

- State of Chhattisgarh, through Station House Officer, Police of Police Station Arjuni, District Dhamtari (CG)

---- **Non-applicant**

For Applicant	:	Mr. P.K. Tulsiaan, Advocate appears on behalf of Mr. Anil Gulati, Advocate
For Non-applicant	:	Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****02/12/2021**

1. This is second bail application on behalf of applicant for grant of regular bail. First bail application was dismissed on merits vide order dated 23.7.2021 in M.Cr.C. No.3828/2021 granting liberty to applicant to repeat prayer for grant of bail after examination of victim/ injured.
2. Applicant is in custody since 30.3.2021 in connection with Crime No.101/2021 registered at Police Station Arjuni, District Dhamtari (CG) for commission of offence punishable under Section 307 of the Indian Penal Code.
3. Mr. P.K. Tulsian, learned counsel for applicant would submit that in FIR allegations have been levelled against applicant of assaulting complainant by means of axe and causing injury to injured. Victim/complainant was examined before trial Court on 23.9.2021, he did not support the prosecution case. In fact, victim stated that at the time of accident applicant was standing far from place of incident and he has not caused any injury to him. Applicant is in jail since 30.3.2021, hence he may be enlarged on regular bail.
4. Per contra, Ms. Smriti Shrivastava, learned State Counsel opposes the submissions of learned counsel for applicant and

submits that victim/injured in FIR and statement recorded under Section 161 CrPC levelled serious allegation against applicant of causing injury by means of axe, hence applicant 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, submission of learned counsel for applicant based on Annexure A-3 that complainant/injured has not supported case of prosecution before trial Court; period of detention of applicant i.e. since 30.3.2021 and the fact that applicant is having no criminal antecedent, as stated by learned State Counsel after going through case diary, without commenting anything on merits of case, I am inclined to allow this bail application.
7. Accordingly, bail 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 the 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/-