

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7757 of 2021

Sagar Vahane S/o Aidhan Vahane Aged About 30 Years R/o Atal Awas, Chikhali,
Out Post Chikhali, Rajnandgaon Tahsil And District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Out Post
Chikhali, Police Station City Kotwali, Rajnandgaon District Rajnandgaon
Chhattisgarh.

---- Non-Applicant

For Applicant:	Pramod Ramteke, Advocate.
For Non-Applicant/State :	Ms Seema Dixit, Panel Lawyer.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

25.10.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the Applicant, who has been arrested in connection with Crime No.503/2021 registered at Police Station – City Kotwali, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 294, 323 and 327 IPC.
2. Prosecution case in brief is that on 21.08.2021 at about 8.30 pm when the Complainant was sitting with his friends near want tank Chikhali Jhopad Patti, suddenly, the present Applicant came to him and started demanding money for the sake of liquor. On refusal, he started abusing and beating the Complainant on his head with the bottle kept with him, due to which, the Complainant sustained injuries.
3. Learned Counsel for the Applicant submits that the Applicant has no connection with the crime in question at all and has been falsely implicated

in the same for which, he is in jail since 22.08.2021. He further submits that the Applicant is a labour and is the only earning member of his family and that there is no incriminating material against him which may hold him guilty for the commission of offence punishable under Sections 294, 323 and 327 IPC and therefore, he may be released on bail.

4. Per contra, learned Counsel for the State opposed the bail application.

5. Considering the facts and circumstances of the case, the period of detention, the case is triable by the Judicial Magistrate, First Class and the trial is likely to take sometime for its conclusion, I am inclined to grant regular bail to the Applicant.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed. In case any default is committed by the Applicant in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Deepak Kumar Tiwari)
Judge