

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8149 of 2021

- Kedar Vishwakarma S/o Rikhiram Vishwakarma Aged About 45 Years
R/o Village Pasuod Tahsil And Police Station - Rajim District -
Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station -
Fingeshwar District - Gariyaband Chhattisgarh, District : Gariyabandh,
Chhattisgarh

---- Respondent.

For Applicant : Mr. Kamlesh Kumar Pandey, Advocate.

For Respondent/State : Mr. Ghanshyam Patel, GA.

Hon'ble Smt. Justice Rajni Dubey
Order On Board

01.11.2021

This first application under Section 439 of the Code of Criminal Procedure has been filed by the accused/applicant, who is languishing in jail since 10.08.2021 in connection with Crime No. 161/2021 registered at Police Station Fingeshwar, District Gariyaband for the offence punishable under Sections 294, 323 & 307 IPC.

2. The prosecution case in nutshell is that on 08.08.2021 when the victim was sitting near Sarginala along with his companions, the accused/applicant reached there, started abusing him saying that he was unnecessarily posing himself to be the leader of the community, and saying so he took out the sickle and inflicted injury on his head. When Nohar Sahu, Anand Nishad, Sukhi Nishad and Umeram came to the rescue

of the victim, they too were not spared and got victimized at the hands of the accused.

3. Learned counsel for the applicant submits that the applicant has been roped in a false and fabricated case and therefore, he may be set at liberty by granting bail. He submits that the applicant would abide by all terms and conditions imposed on him while granting bail.

4. Learned State counsel however puts forth his vehement opposition to the prayer for bail.

5. Having heard counsel for the parties, taken into consideration the facts and circumstances of the case and also keeping in mind the nature of allegations made, this Court is of the opinion that the accused/applicant is entitled for bail. Accordingly, the application is **allowed** and it is directed that on applicant's furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety to the satisfaction of the concerned Court, he shall be released on bail. The applicant however, shall ensure his appearance before the trial Court as and when so directed, till the disposal of the case. Order accordingly.

Sd/-

(Rajni Dubey)
Judge