

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9312 of 2020**

- Kalinder Paikra, S/o Late Jansai Paikra, aged about 40 Years, R/o Village Udari Nawapara, Police Station Lundra, District Surguja Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Police Station Lundra, District Surguja Chhattisgarh.

----Non-applicant

For Applicant
For State

Mr. Rakesh Pandey, Advocate.
Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****01/02/2021**

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.81/2020 registered at Police Station Lundra, District Surguja, C.G. for the offence punishable under Sections 452 & 307 of Indian Penal Code.
2. Allegation against the present applicant is that on 28.07.2020 at about 9:30 hours he came to the house of injured Ramlal @ Jamadar and assaulted him with Axe which hit on his temporal region as a result of which blood started oozing from the said injury and the injured fell down. On report being lodged to the above effect by son of the injured Anaser Das, the aforesaid

offence have been registered against the applicant.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the ingredients necessary for making out a case under Section 307 of IPC are missing in this case. The injured remained in hospital for three days only and no bone injury was found by the Doctors. The applicant is in jail since 03.09.2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, the nature of injury allegedly caused by the applicant, the fact that the injured remained hospitalized only for three days, the detention period of the applicant, charge sheet has already been filed and conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-
 - (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts

of the case so as to dissuade him from disclosing such fact to the Court,

- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall not involve himself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh