2025:CGHC:3248

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No.80 of 2025

Manish Sahu S/o Omprakash Sahu Aged About 21 Years R/o Village Bskar, Police Station - Jhilmili, District Surajpur (C.G.).

... Appellant

versus

State Of Chhattisgarh Through Police Station - Ajak District Surajpur (C.G.).

--- Respondent

For Appellant : Mr. Sangeet Kumar Kushwaha, Advocate

For Respondent-State : Ms. Binu Sharma, PL

Hon'ble Shri Justice Arvind Kumar Verma
Order on Board

17/01/2025

1. This appeal under Section 14-A(2) of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short, 'Act of 1989') is filed against impugned rejection order dated 01.01.2025 passed by learned Special Judge (Atrocities), Surajpur, District Surajpur (CG) whereby appellant's application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of bail is rejected.

2. Appellant is in jail since 19.12.2024 in connection with Crime No.101/2024 registered at Police Station -Ajak Surajpur, District-Surajpur, Chhattisgarh, for the offence punishable under Sections 109(1), 115(2), 296, 351(2), 3(5) of the BNS & 3(2)(v) of the SC/ST Act.

3. Case of prosecution, in brief, is that on 12.09.2024, appellant has attacked the injured Nikhil Yadav with a sharp knife and inflicted serious injury on it appears prima facie that injury was caused to Virendra Kurre. It appears from the Doctor that the injury to Nikhil Yadav @ Raja. Based upon report, FIR was registered against the appellant and he has been arrested.

4. Learned counsel for appellant submits that appellant has been falsely implicated in this case, he has not committed any offence as alleged against him. He further submits that the appellant was stabbed by Nikhil Yadav @ Raja near chest area which too deep and if the injury shall not treated on time, then his death is possible. Appellant is in jail since 19.12.2024, conclusion of trial may take time, hence, appellant may be released on bail.

5. Learned State Counsel opposes the submission made by learned counsel for the appellant.

6. Heard counsel for respective parties.

7. Complainant is present before this Court through virtual mode from the District Legal Services Authority- Surajpur, District Surajpur (C.G.). On being asked, he has no objection in granting bail to the appellant.

8. Considering entire facts and circumstances of case, nature of allegations, statement of complainant, submission of counsel for appellant that appellant was stabbed by Nikhil Yadav @ Raja near chest area which too deep who needs prompt medical treatment. Looking to the seriousness of injuries received by the appellant and detention period of appellant ie

since 19.12.2024, I am inclined to allow this appeal.

9. Accordingly, appeal is allowed. Impugned rejection order dated 01.01.2025 passed by learned Special Judge (Atrocities), Surajpur, District Surajpur (CG) is set aside. It is directed that appellant shall be released on regular bail upon his furnishing a bail bond in sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that:-

a) Appellant shall appear before trial Court regularly on each and every date, unless exempted from appearance.

b) Appellant shall not, in any manner, tamper with the prosecution witnesses.

C.C. today.

Sd/-
(Arvind Kumar Verma)
Judge

VASANT KUMAR Digitally signed by VASANT KUMAR

Vasant