
(2019) 05 CHH CK 0046

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 2945 Of 2019

Mohammad Saif Khan

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: May 31, 2019

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 294, 307, 506B
- Arms Act, 1959 - Section 25, 27

Hon'ble Judges: Gautam Chourdiya, J

Bench: Single Bench

Advocate: K. Tripti Rao, K. K. Singh

Final Decision: Allowed

Judgement

Gautam Chourdiya, J

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been

arrested in connection with Crime No. 264/2018, registered at Police Station- Kondagaon, Distt- Kondagaon (C.G.) for the offence punishable under

Sections 307, 294 and 506(B) of Indian Penal Code and 25 & 27 of the Arms Act.

2. Allegation made against the accused/applicant -Mohammad Saif Khan is that on 05.12.2018 at around 9.30pm while the complainant- Sumit

Shrivastava along with his friend Yogesh Netam was going by motorcycle, on the way the applicant had a quarrel with the complainant and during this

process, the applicant assaulted the complainant with knife on his stomach as a result of which, the complainant suffered grievous injuries. On report

being made to this effect, offence under Sections 307, 294, 506(B) of IPC and 25 & 27 of Arms Act was registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. She submits that

there was no intention on the part of the applicant to commit murder of the complainant, the conclusion of trial is likely to take some time, the applicant

is a student and therefore, he may be released Page No.2 on bail.

4. On the other hand, learned State counsel opposes the bail application.

5. Heard both the parties and perused the case diary.

6. Considering the facts and circumstance of the case, the nature of injuries suffered by the complainant, the statement of prosecution witness No. 4-

Dr. Basant Kumar Tode the injury found on the body of the injured is simple in nature and the fact that applicant is a student, without commenting

anything on merits of the case, this Court is of the opinion that present is a fit case to grant bail to the applicant. Accordingly, the application is

allowed.

7. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 25,000/- with one surety in the like sum to

the satisfaction of the concerned trial Court, for his appearance as and when directed before the said Court.

8. It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant

shall automatically stand cancelled without further reference to the Bench.