

(2018) 05 CHH CK 0220

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 3076 Of 2018

Santosh Khare @ Lala Khare

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: May 30, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 294, 323, 324, 326
- Code Of Criminal Procedure, 1973 - Section 439
- Arms Act, 1959 - Section 25, 27

Hon'ble Judges: Manindra Mohan Shrivastava, J

Bench: Single Bench

Advocate: Vikas Shrivastava, PK Bhaduri

Final Decision: Allowed

Judgement

Manindra Mohan Shrivastava, 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 on 30.11.2017 in connection with Crime No. 706/2017 registered at Police Station Sarkanda District Bilaspur (CG) for the offence punishable under Section 294, 323, 324 & 326 of the IPC and Sections 25 & 27 of the Arms Act.
2. As per the prosecution case, the applicant assaulted the victim with the help of sword resulting in grievous injury.
3. Learned counsel for the applicant submits that looking to the nature of injury sustained by the victim, at this stage the applicant may be granted bail as he is in jail since 30.11.2017 and investigation is completed and charge sheet has been filed, therefore, the applicant may be released on bail.

4. On the other hand State counsel opposes the bail application and submits that the manner in which the applicant assaulted the victim and the weapon used and caused injury, the applicant may not be released on bail.

5. Taking into Consideration the submission of learned counsel for the parties , perusing the case diary and also that the applicant is in jail since 30.11.2017, the investigation is complete and the charge-sheet has been filed in this case, I am inclined to release the applicant on bail.

6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with two surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.