

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4914 of 2019

- Mukesh Nayak, S/o Khemraj Nayak, Aged About 19 Years, R/o Village Thakurdiya, Pithaura, District Mahasamund Chhattisgarh. At Present R/o Vallabh Nagar Near Ambika Flour Mill, Police Station New Rajendra Nagar, Raipur, Tahsil & District Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station New Rajendra Nagar, Raipur, District-Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Uma Sahi, Advocate.
For Respondent	:	Mr. Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

30/08/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.200/2019 registered at Police Station–New Rajendra Nagar, Raipur, District– Raipur(C.G.) for the offence punishable under Sections 341, 294, 506B, 323, 307, 34 of the Indian Penal Code and under Section 25 & 27 of Arms Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 26.05.2019. No case is made out against the applicant regarding the offence for attempt to murder. Charge-sheet has been filed, after completion of investigation, hence, it is prayed that he may be

enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant is the main assailant, therefore, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged by the complainant Santosh Pandey stating, that on the date of incident because of some dispute this applicant accompanied with co-accused Sangam Nishad assaulted the victims Rakesh Singh & Nandan Singh with a knife, causing injuries to them with intention to cause their death. Hence, this case.
6. On perusal of the case diary and specifically on perusing the medical report of the victims of this case where the doctor has reported, that injuries are of grievous in nature and there is no report that injury was sufficient to cause death in ordinary course of nature and also for the reason that this applicant is of age only 19 years and has no criminal antecedents, therefore, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge