

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3728 of 2018**

Rohit Dhruv, S/o Shri Aghan Dhruv (As per challan), aged about 35 years, Caste Gond, R/o Village Dongrigaon (Rawanbhata), Post Office & Police Station Gariyaband, District Gariyaband.

---- Applicant**Versus**

State of Chhattisgarh through the Station House Officer, Police Station Gariyaband, District Gariyaband (CG).

---- Non-applicant

For Applicant : Mr. Shivendu Pandya, Advocate.

For Non-applicant : Mr. Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.07.2018**

1. This is first bail application filed under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No.164/2017 registered at Police Station Gariyaband, District Gariyaband, for the offence punishable under Sections 307/294 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 20.08.2017 at about 5:00 pm, the complainant namely Meena Sonwani was returning back from the Kirana shop to her house, then the present accused/applicant abused her in drunken condition, in the meantime Anant Ram Mandley

intervened and thereafter the applicant went to his house and came back with an axe (Tangiya) and assaulted Anant Ram Mandley; and caused injury on the head of Smt. Ganeshi Bai and her left leg.

4. In the counter case, applicant was injured, the accused Anant Ram Mandley had enlarged on bail

5. The applicant is in custody since 09.10.2017.

6. Learned counsel appearing for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.

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

8. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.

10. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.20,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

11. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE