

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3655 of 2019**

- Rahul Sisodiya S/o Shri Rajesh Sisodiya, Aged About 18 Years, R/o Jabadapara, Police Station Sarkanda, Tahsil and District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Applicant**

**Versus**

- State of Chhattisgarh Through Police Station Sarkanda, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

**----Non-applicant**

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For Applicant – Shri Dheerendra Pandey, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**19-07-2019**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 13-05-2019 in connection with Crime No.219/2019 registered at P.S. - Sarkanda, District Bilaspur, Chhattisgarh for the offence under Section 294, 323, 324, 506, 307 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. He is in jail since 13-05-2019. Only allegation against the applicant is this, that he was in company of the co-accused who has stabbed the victim of this case, in which this applicant was not a participant and he also did not had knowledge that the co-accused was in possession of a knife. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has previous history of being prosecuted for offence under Section 363, 354 of the IPC and provisions of POCSO Act. Therefore, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, on the date of incident co-accused Animesh Nishad, Sumit Kenwat and this applicant accosted the complainant and then abused him, threatened him and assaulted him with hands and fists. It was during that time co-accused Animesh Nishad assaulted the victim with knife causing injuries to him.

6. Considered on the material present in the case diary. After considering that this applicant had not used any weapon in the said offence and he is not the main accused, also for the reason that he is of age only 18 years, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**