

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4161 of 2019**

- Naveen Kesharwani @ Guddu S/o Magan Lal Gupta, Aged About 32 Years R/o Village Dhobahar, P.S. - Pendra, District Bilaspur, Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station - Pendra, District Bilaspur, Chhattisgarh.

**---- Respondent**

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For Applicant : Shri Prakash Mishra, Advocate.  
For Respondent/State : Shri Alok Nigam, G.A.

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board****01/10/2019**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 41/2019, registered at Police Station – Pendra, District- Bilaspur, (C.G.) for the offence punishable under Sections 294, 506, 323, 307/34 of I.P.C.
2. In this case there are three accused persons. As per the prosecution story, on 19.02.2019 F.I.R. has been lodged by one Akash Kesharwani alleging therein that on 19.02.2019 at about 6:00 p.m., for the reasons that the Complainant was raising a wall on the disputed property, present Applicant and other co-accused persons arrived on the spot, abused and threatened the Complainant and others. Allegedly, present Applicant and co-accused Maganlal assaulted the injured Akash, Madanlal and Ketki due to which they sustained grievous injuries on their vital part i.e. head. On the basis of the said report, offence has been registered. Present Applicant has been taken into custody on 06.05.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the

Applicant is innocent and has been falsely implicated in the case. He further states that, as per the Doctor, the injuries sustained by the injured persons is not grievous in nature. Also, there is nothing on record on the basis of which it can be said that the injuries sustained by the injured persons is dangerous to their life. Therefore, *prima facie*, no offence under Section 307 of I.P.C. can be made out against the Applicant. He further submits that Applicant is in custody since 06.05.2019, charge-sheet has been filed and trial is likely to take some time. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 06.05.2019 and trial is likely to take some time, without further commenting on other merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**