

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4083 of 2019**

- Kshetramohan Yadav, S/o Kanek Ram Yadav, aged about 31 years, R/o Village Kumhdai Khurd, Post Office & Police Station – Devbhog, District – Gariyaband, (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Devbhog, District – Gariyaband, (C.G.)

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate.
For Respondent/State	: Shri K.K. Dewagan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**17/07/2019**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 66/2018, registered at Police Station – Devbhog, District – Gariyaband, Chhattisgarh, for the offence punishable under Sections 307/34 of the IPC.
2. First bail application of the Applicant was earlier dismissed as not pressed vide order dated 26.09.2018 passed in MCRC No. 6225 of 2018.
3. As per the prosecution story, one Arjun i.e. son of the injured namely Shivachand, lodged a report in the police station to the effect that on the date of incident i.e. 05/06/2018 at about 9:00 am, when the complainant alongwith his father and mother had gone to agriculture field, at that time present Applicant and co-accused namely Mansingh Yadav were playing the tractor on the disputed land. When the complainant tried to stop them, they did not stop. Shivanand, father of

the complainant was also present there. It is alleged that present Applicant assaulted Shivanand by way of 'favda' and fled away. Due to that, Shivanand sustained multiple injuries on vital parts of his body. On the basis of the said, offence has been registered and Applicant has been taken into custody on 05/06/2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some dispute. He further submits that *prima facie*, no offence under Section 307 of the IPC can be made out against the present Applicant. Co-accused namely Mansingh has already been granted bail by this Court vide order dated 26/09/2018 passed in MCRC No. 6225 of 2018. Applicant is in jail since 05/06/2018 and trial will take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 05/06/2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge