

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5395 of 2019**

- Sanjay Soni son of late Lalmani Soni, aged about 30 years, R/o Bapu Nagar, Near Masjid, Khursipar, Bhilai, P.S. Khursipar, Tahsil and District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The District Magistrate Durg, District Durg (C.G.)

---- Respondent

For Applicant	:	Shri Jitendra Gupta, Advocate
For Respondent	:	Ms. Akshara Amit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****17/10/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.126/2019, registered at Police Station – Khursipar, District Durg (C.G.) for the offence punishable under Section 307/34 of I.P.C.
2. The prosecution story, in brief, is that on 24.04.2019 at about 9.30 pm, near the Khursipar Bhilai in front of State Bank of India, the head on collision took place between the motorcycle of the complainant Chandrahas and three other persons, as a result of which the applicant and other co-accused assaulted the complainant on his abdomen with a sharp knife. Thereafter, the complainant/injured was taken to

hospital, his statement was recorded by police and offence has been registered. In the test identification parade, the applicants and other co-accused persons were duly identified by the complainant. Memorandum statements of other co-accused persons have been recorded in which they have stated that the present applicant is also involved in the incident. On the basis of statements of co-accused persons, the present applicant has been arrested and taken in to custody on 28.04.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that there is no direct and incriminating evidence against the applicant to prove his involvement in the alleged incident. Only on the basis of memorandum statements of other co-accused persons, the present applicant has been arrested. He also submits that the applicant is in custody since 28.04.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, the quality of evidence and further considering the fact no role has been attributed to the present applicant, the applicant is in custody since 28.04.2019 and the trial is likely to take some time, without further commenting on 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 his 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

Pekde