

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6113 of 2019

- Avinash Dewangan S/o Late Shri Raju Dewangan Aged About 25 Years R/o Paragaon Road, Ward No. 03, Sharda Chowk, Gariyaband, Thana City Kotwali, District Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Thana Arjuni, District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Respondent

 For Applicant : Shri M.K. Mishra, Advocate
 For Respondent/State : Shri Vaibhav Kartikeya Agrawal, P.L.

Hon'ble Smt.Justice Rajani Dubey
Order On Board

19.11.2019

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.118/2019, registered at Police Station Arjuni, District Dhamtari(CG) for the offence punishable under Sections 452, 307 of the IPC and Sections 25 & 27 of the Arms Act.
3. As per the case of prosecution on 30.5.2019 at about 5.00 pm, the applicant entered into the house of Radha Bai Yadav and sprinkled red chilly powder on her face and assaulted her with an axe and when Radha Bai's daughter and son tried to save her, the applicant also assaulted them with the axe.
4. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the crime on

account of previous enmity. He submits that charge sheet has been filed and the applicant is in jail since 30.5.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the applicant is in jail since 30.5.2019, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE