

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5884 of 2019**

- Rajesh Nishad, S/o Kaliram Nishad, Aged About 35 Years, R/o Koyala Basti, Vijay Nagar, Bhanpuri, Police Station Khamtarai, District Raipur (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh, Through: Station House Officer, Police Station Khamtarai, District Raipur (C.G.).

---- Respondent

For Applicant	: Mr. Pushpendra Kumar Patel, Adv.
For Respondent/State	: Mr. Wasim Miyan, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 377/2019 registered at Police Station Khamtarai District Raipur (C.G.) for the offence punishable under Sections 452, 294, 323, 506 Part-2 of I.P.C. and Section 25, 27 of Arms Act.
2. The prosecution story, in brief is that, on 20.07.2019 at about 9.00 a.m. the applicant has entered into the house of the complainant and committed marpeet with his wife and at about 5.30 p.m. applicant assaulted with knife and abused the complainant. Based on this, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the offence is triable by the Judicial Magistrate First Class. The applicant is in jail since 29.07.2019, there is no likelihood of his case being decided in near future,

therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the offence is triable by the Judicial Magistrate First Class. The applicant is in jail since 29.07.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**