

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7922 of 2018

- Rahul Makhija S/o Shri Shankar Makhija Aged About 19 Years R/o Village- Sakri, Police Station- Sakri, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Sakri, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Dheerendra Pandey, Advocate.
For Respondent/State	: Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/01/2019

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. 192/2018, registered at Police Station Sakri, District Bilaspur (C.G.) for the offence punishable under Section 307, 34 of IPC.
2. First bail was dismissed as withdrawn with liberty to file a fresh after filing of the charge-sheet vide order dated 13.09.2018 passed in MCRC No. 5960/2018.
3. As per the prosecution story, on 01.07.2018, complainant Deepak Sahu lodged a report, wherein, it has been alleged that on 01.07.2018 itself at night when he along with his friend Ritesh Yadav taking meal in a Dhaba, allegedly present applicant along with other co-accused persons namely Amool Chandwani and Sunny Sonkar came there and some dispute arose between them, the applicant along with said co-accused persons assaulted complainant and his friend with a knife, due to which complainant's friend Ritesh yadav sustained injuries on

his stomach. On the basis of said, offence has been registered. The applicant is in custody since 07.07.2018.

4. Learned counsel appearing on behalf of the Applicant submits that the applicant is innocent and has been falsely implicated in the present case. On the basis of evidence collected by the prosecution *prima facie* no case under Section 307 of the IPC can be made out against the applicant. The applicant is in custody since 07-07-2018, charge-sheet has already filed and trial will likely to take some time, therefore, the applicant may be released on bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. 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 07-07-2018, charge-sheet has already been filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant 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 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