

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6431 of 2019**

- Bal Bhagwan S/o Chandar Yadaw, aged about 49 years, Caste – Ahir, R/o village Chapkachhar, Police Station Kapoo, Tahsil – Dharamjaigarh, District (Revenue & Civil) Raigarh (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station Kapoo, District (Revenue & Civil) Raigarh (C.G.)

---- Respondent

For Applicant	:	Shri S.D. Singh, Adv.
For Respondent	:	Shri V.K. Agrawal, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****28/11/2019**

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.12/2019, registered at Police Station – Kapoo, District (Revenue & Civil), Raigarh (C.G.) for the offence punishable under Sections 294, 506-B, 323 and 326 of IPC.
2. The prosecution story, in brief, is that on 27.02.2019 at about 9.00 hours, injured Dayaram Yadaw made a complaint to the applicant as to why he did not allow him and his family members to walk from his land and asked the applicant to make a separate way for them. On this issue, the applicant hurled filthy language and caused injuries on the head of injured Dayaram. Based on this, offence has been registered. The present applicant has been taken into custody on 03.09.2019.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits both the parties made counter case against each other and complainant Dayaram Yadaw & other persons have been granted bail by this Court on 07.11.2019 in MCRC No.5744/2019. He also submits that the applicant is in custody since 03.09.2019 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 counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, and further considering the fact that the applicant is in custody since 03.09.2019, the offence is triable by Magistrate 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.25,000/- 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge