

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6857 of 2019**

- Sanjay Yadav @ Dainy S/o Dwarika Yadav, aged about 22 years, R/o Near Balaknath Mandir, Khurshipar Bhilai, Tehsil & District Durg (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Shri Vijay Kumar Sahu, Advocate
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****10/12/2019**

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.233/2019, registered at Police Station - Khurshipar, District Bhilai (C.G.) for the offence punishable under Sections 294, 323, 506(B) and 326 IPC.
2. The prosecution case, in brief, is that on 21.07.2019, when the present applicant and his brother were quarreling on account of some money dispute, the complainant tried to pacify the dispute in which the applicant caused stab injury to the complainant. Based on this, offence has been registered. The present applicant has been taken into custody on 27.07.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the injuries sustained by the complainant were simple in nature and on the same day he

got discharged from the hospital. It is next submitted that the applicant is in custody since 27.07.2019, charge sheet has been filed, the offence is triable by Magistrate 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 case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 27.07.2019, the offence is triable by Magistrate, charge sheet has been filed 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