

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7068 of 2019**

- Rajesh Tiwari S/o Ashwani Tiwari, aged about 35 years, R/o Ward No.2, Shiv Nagar, Police Station Mohan Nagar, Durg, Tahsil & District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station – Mohan Nagar, Durg, District Durg (C.G.)

---- Respondent

For Applicant	:	Shri Manish Upadhyay, Adv.
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****19/12/2019**

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.323/2019, registered at Police Station – Mohan Nagar, Durg, District Durg (C.G.) for the offence punishable under Sections 294, 323, 324, 327, 506, 34 IPC.
2. The prosecution story, in brief, is that the complainant made a report in police station alleging therein that when he was sitting in his shop, the applicant and co-accused who were also working in complainant's shop, demanded money for consuming liquor to which the complainant denied and, thereafter, some dispute took place between the complainant and the accused persons in which the applicant along with co-accused assaulted the complainant causing grievous hurt on vital part of his body. Based on this, offence has been registered. The present applicant has been taken into custody on 01.10.2019.

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 he had been discharged from the hospital within 24 hours. He also submits that the applicant is in custody since 01.10.2019, 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 opposed the bail application. Learned State counsel submits that the weapon of offence was produced before the Doctor and he gave his query report opining that the injury is in sensitive part of body and if the injury was deeper, it would have been dangerous to life.
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 01.10.2019, 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