

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9752 of 2018**

Avinash, S/o late Shri Basant Yadav, aged about 18 years, R/o Magarpara Yadav Gali, Bilaspur, P.S. Civil Line, District Bilaspur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Civil Line, District Bilaspur (CG).

---- Non-applicant

For Applicant : Mr. Avinash K. Mishra, Advocate.

For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.02.2019

1. Heard on I.A. No.1/2019 & I.A. No.2/2019 applications for taking document on record.
2. Upon due consideration, I.A. No.1/2019 & I.A. No.2/2019 are allowed. These applications along with documents are taken on record.
3. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
4. Perused the case diary provided by the counsel for the State in connection with crime No.896/2018 registered at Police Station Civil Line, District Bilaspur for the offence punishable under Sections 294, 323, 506, 307 read with 34 of Indian Penal Code.
5. Case of the prosecution, in brief is that on 19.10.2018 at about 11:00 p.m. at Magarpara Yadav Lane, Bilaspur, the applicant and co-accused Yogesh Verma abused the complainant Sandeep. The applicant caused blow on the said complainant by knife. He prevented it by his right hand due to which he got injury on palm of his right hand. The complainant Sawan Yadav intervened it, the applicant caused injury on his abdomen by knife.
6. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
7. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
8. As per affidavits of complainants Sandeep Yadav and Sawan Yadav, they want to compromise with applicant and they do not want to do any legal action against him.
9. Looking to the above facts and circumstances of the case, the bail application is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)

JUDGE

L/-