

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 224 of 2020**

- Dudhnath Kushwaha S/o Late Shri Chinta Kumar Kushwaha Aged About 34 Years Caste - Koyir, R/o Village Parri, Police Station and Tehsil Surajpur District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Surajpur Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Aman Upadhyay, Advocate.
For Respondent/State	:	Mr. Vaibhav K. Agrawal, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24.02.2020**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 414/2019 registered at Police Station : Surajpur (C.G.) for the offence punishable under Sections 294, 323, 326 of the IPC.
2. As per the prosecution case, complainant Harinarayan lodged a report before the concerned police station alleging that when he was present in his field along with his son, at the same time, applicant was cutting mount of his field which was objected by the complainant's son and claimed that the field belongs to him. On that, applicant started hurling abuses and assaulted the complainant and his son with the help of the same spade due to which they sustained grievous

injuries. Based on this, after investigation, offence has been registered against the applicant and he has been arrested.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the doctor examined the victim and found only one incised wound on the parietal region at the head which is not so grievous. He also submits that applicant is in jail since 04.12.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
4. On the other hand, State counsel strongly opposes the bail application and submits that there are 4 previous criminal antecedents against the applicant.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**