

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 320 of 2020**

- Eshu Singh Sariya S/o Shri Suresh Singh Sariya Aged About 20 Years R/o Mini Basti Jarhabhata, Police Station - Civil Line, Tahsil And District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Line, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Upasana Mehta, Advocate.
For Respondent	:	Mr. Vinod Kumar Tekam, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****27.02.2020**

- 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. 751/2019 registered at Police Station : Civil Lines, District Bilaspur (C.G.) for the offence punishable under Sections 326 & 307 of the IPC.
- The prosecution story in brief is that, the complainant/victim was going towards Mini Basti, Zarhabhata along with him friends, at that time, applicant came there and due to some reason a dispute arose between them and the present applicant assaulted the victim with the help of sharp edged weapon due to that he sustained grievous injuries. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.
- Learned counsel for the applicant submits that the applicant

has been falsely implicated in the crime in question. She would further submit that the complainant had lodged the FIR against the present applicant after 9 days from the date of incident. She next submits that there are two eyewitnesses in this case, their statements were recorded and they have categorically stated in their statements that the complainant himself came to the applicant and started brickbat. The present applicant is in jail since 05.11.2019 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.

- On the other hand, State counsel strongly opposes the bail application and submits that the injuries of the victim are grievous in nature and as per the medical report, the injured could have been died, if not treated in time.
- I have heard learned counsel for the parties.
- 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.
- 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