

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 260 of 2020**

- Mohammad Ibrahim Memon S/o Mohammad Yusuf Memon Aged About 56 Years, R/o Ward No. 7, Sadar Bazar, Champa Police-Station Champa, District Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Station House Officer Champa, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sumit Singh Rathore, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04/02/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 428/2019 registered at Police Station-Champa, District - Janjgir-Champa (C.G.) for the offence punishable under Sections 294, 506, 323, 295 & 34 of the IPC and 25 of Arms Act.
2. The brief facts of the prosecution, is that, complainant Deepak Gupta lodged a report that on 21.12.2019 at polling booth No. 10 the present applicant assaulted with sword and abused him in the name of religion. Thereafter, on 21.12.2019 police seized sword from the possession of the present applicant. Based on this, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in

question. He further submits that the applicant is in jail since 22.12.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the offence is triable by Judicial Magistrate First Class. The applicant is in jail since 22.12.2019 and 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 trial Court on each and every date given to him by the said Court.

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