

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 619 of 2020

- Kanhaiya S/o Budhram Yadav Aged About 26 Years Resident Of B.S.U.P. Colony, Police Station Raipur, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station City Kotwaly Balodabazar, District- Balodabazar- Bhatapara Chhattisgarh

---- Respondent

For Applicant	: Shri Anand Mohan Tiwari, Advocate
For Respondent /State	: Ms. Akshara Amit, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

12/03/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 635/2019 registered at police station City Kotwali, Baloda Bazar, district Bhatapara (CG) for the offence punishable under Sections 307, 326 and 324/34 IPC.

As per prosecution case, on the date of incident, when the complainant along with his friends was going to the fair at village Bharsela, on the way, two persons were coming towards them on a bike which was driven negligently. It is further alleged that some scuffle took place between them as a result of which they sustained injuries.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that similarly placed co-accused person has been granted bail by this Court in M.Cr.C. No. 7680/2019 vide order dated 20.01.2020 and therefore the present applicant may also be granted the benefit. He submits that the applicant is in jail since 29.12.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge