

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 467 of 2020**

- Mohan Sahu @ Minaar, S/o Aasaram Sahu, aged about 30 years, R/o Naya Talaab, Gudhiyari, P.S. Gudhiyari, Raipur, civil & Revenue District Raipur (C.G.).

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Police Station, Gudhiyari, Civil and Revenue District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Pragalbh Sharma, Advocate
For Respondent	:	Ms. Akshara Amit, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****13/02/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.152/2019, registered at Police Station – Gudhiyari, Civil and Revenue District, Raipur (C.G.) for the offence punishable under Sections 452, 458, 294, 506, 324, 325, 326, 34 IPC and Sections 25 & 27 of Arms Act.
2. The prosecution story, in brief, is that on 17.04.2019, complainant Kamlesh Shukla made a written report at Police Station Gudhiyari alleging therein that on 08.04.2019 his younger brother Raju Shukla had a fight with Raju @ Chetan Sahu, brother of the applicant. Due to said rivalry, on 16.04.2019, applicant along with his brother Raju @ Chetan entered his house, used filthy language, threatened him to kill and assaulted with deadly weapon sickle. Based on this, offence has been registered. The present applicant has been taken into custody on 11.12.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that the complainant sustained only cut injury on his hand in the size of $\frac{1}{2}$ cm x 3 cm. He also submits that the main allegation is against Raju @ Chetan and the present applicant assaulted with hands and fists. It is next submitted that the applicant is in custody since 11.12.2019 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, nature of injury sustained by the complainant and further considering the fact that the applicant is in custody since 11.12.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge