

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1130 of 2020

- G. Venkatesh Alias Babu S/o G. Mangla Rao Aged About 21 Years
R/o D.D. Nagar , Banjari Nagar, Sector - 4, Police Station - D.D.
Nagar , Raipur , District Raipur Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh Through Police Station Khamtarai , Raipur ,
District Raipur Chhattisgarh. **---- Respondent**

For Applicant : Mr. Rajesh Kumar Kesharwani,
Advocate
For Respondent/State : Mr. Anand Verma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

01.06.2020

1. The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure for his release on regular bail during trial in connection with Crime No.285/2019, registered at Police Station – Khamtarai, District-Raipur (C.G.) for the offence punishable under Sections- 294, 307, 379 of IPC.
2. It is the case of the prosecution that a complaint was lodged by (PW-2) alleging therein that the applicant and herself were within the love affairs and due to different caste belonging, the marriage was not possible therefore, being unhappy with the situation, the applicant attacked and caused injury to the complainant and ran away to keep the mobile. As per (PW-1) Dr. Amit Bhagat, incised wound on right side of face and chin, on right side neck sharp cutting was examined which may be caused by sharp object like blade. Based on this, offence has been registered.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that as the applicant want to marry with the applicant and the mother of the applicant did not give the permission. He further submits that there is age difference between the applicant and the complainant falsely implicated the applicant in the instant case and the trial will take some time for its final disposal, therefore, he 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 record.
6. Considering the facts and circumstances of the case, in particular the nature of offence and further considering the fact that the applicant is in jail and complainant (PW-2) sustained normal injury and there is no likelihood of his case being decided in near future, without further commenting on merits of the case, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said

Court as and when directed, till the disposal of the trial.

9. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.3.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (C) No. 1/2020), he need not furnish bail bond afresh and the bail bond already furnished shall be deemed to be the bail bond furnished in compliance of the order of this Court, but if he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

10. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Nadim