

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1811 of 2020**

- Mohan Soni son of late Damaru Soni, aged about 24 years, resident of Sangam Chowk, Lodhipara, P.S. Pandri, Raipur, Tahsil and District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Pandri, District Raipur (C.G.)

---- Respondent

For Applicant	:	Shri Dharendra Kumar Shukla, Adv.
For Respondent	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****09/06/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.328/2019, registered at Police Station – Pandri, Civil and Revenue District Raipur (C.G.) for the offence punishable under Sections 294, 324, 307, 506, 34 IPC and Section 25 & 27 of Arms Act.
2. The prosecution story, in brief, is that on 16.08.2019, the complainant lodged a report at concerned police station alleging therein that on the very day she received information by Lakhan that the present applicant along with other co-accused persons assaulted Banti with knife and hands and fists and he has been admitted in Mekahara hospital. Based on this, offence has been registered. The present applicant has been taken into custody on 16.11.2019.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that at the time of incident, Banti Yadav was under intoxication, using filthy language and brandishing knife at open place due to which quarrel took place between them. Thereafter, the applicant reported the matter at concerned police station against the injured Banti. He also submits that injured Banti sustained simple injury and he has been discharged from the hospital. It is next submitted that the applicant is in custody since 16.11.2019, charge sheet has been filed 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 record.
6. Considering the totality of the facts and circumstances of the case, nature of injury sustained by the injured and further considering the fact that the applicant is in custody since 16.11.2019, charge sheet has been filed 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 disposal of 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 23.03.2020 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 bonds afresh

and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde