

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.3153 of 2020**

- Durgesh Sahu, S/o Gangadhar Sahu, Aged about 19 years, Occupation Labour, R/o Village Achua (wrongly mentioned as Achawa in the order sheet), Umrao Nagar, Police-Khamhariya, District- Bemetara (C.G.) ---- **Applicant**

Versus

- State of Chhattisgarh, Through- District Magistrate, Kabirdham, District- Kabirdham (C.G.) ---- **Respondent**

For Applicant	:	Mr. Dharmesh Shrivastava, Adv.
For Respondent/State	:	Mr. Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01/07/2020**

1. Heard on admission.
2. Admit.
3. 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. 52/2019 registered at Police Station Pipariya, Out post-Dashrangpur, District- Kabirdham (C.G.) for the offence punishable under Sections 294, 506, 324, 307 of the IPC.
4. The prosecution story in brief is that, on 21.02.2020 the present applicant assaulted the victim by hands, fists and sharp edged weapon knife. It is also alleged that the present applicant caused stab injury to the complainant who was taken to the hospital. On the basis of memorandum statement police has been arrested the present applicant and offence has been registered.
5. 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 complainant was the aggressor party and on self defense the applicant committed this act. He next submits that the applicant is in jail since

25.04.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

6. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that injury sustained by the victim is simple in nature. The applicant is in jail since 25.04.2020, 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.
9. 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.
10. It is made clear that if the applicant has already been released on bail pursuant to the bail bond 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 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.

Sd/-
(Rajani Dubey)
Judge