

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3402 of 2020**

- Yasin Ali S/o Sharafat Ali aged about 28 years R/o Daldal Seoni, Raipur, District-Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station Vidhan Sabha, Raipur, District : Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dheerendra Pandey, Advocate.
 For Respondent/State : Mr. H. S. Ahluvalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14/08/2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this **second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 339/2019 registered at Police Station – Vidhan Sabha, Raipur, District-Raipur (C.G.) for the offence punishable under Sections 294, 323, 506, 452, 34 of the IPC.
4. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of material witnesses by this Court on 13.03.2020 in MCRC No. 634/2020.
5. The prosecution story, in brief is that, complainant lodged a report that on 21.08.2019 at about 11:35 am., present applicant along with other co-accused persons has entered the house of the complainant, abused with filthy language to the complainant and assaulted him. Based on this offence has been registered against the applicant and other co-

accused persons.

6. 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 during trial material witnesses have examined and they have turned hostile and compromise with the applicant, copy of the statement of the witnesses herewith annexed as Annexure-A/2. He next submits that the applicant is in jail since 30.08.2019, and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
7. On the other hand, counsel for the State opposes the bail application submitting that the applicant along with other co-accused persons abused to the complainant and assaulted too, therefore, the applicant may not be enlarged on bail.
8. I have heard learned counsel for the parties and perused the case diary.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that a copy of the compromise between complainant and applicant is annexed herewith the application, the applicant is in jail since 30.08.2019 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.
10. 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.

**Sd/-
(Rajani Dubey)
Judge**