

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3415 of 2020

- Moh. Yusuf Bihari S/o Mohammad Nishat Khan, Aged 19 years, R/o Talapara KGN Chowk, Police Station Civil Line, Tahsil & District Bilaspur (CG)

---- Applicant

Versus

- State of Chhattisgarh, Through Station Officer, Police Station Civil Line, District Bilaspur (CG)

---- Respondent

 For Applicant : Ms. Upasana Mehta, Advocate
 For Respondent/State : Shri Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

20.07.2020

1. Heard.
2. Admit.
3. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 571/2019, registered at Police Station, Civil Line, District Bilaspur (CG) for the offence punishable under Sections 324, 307 of the IPC.
4. First bail application of the applicant was dismissed as withdrawn with liberty to renew the bail application after examination of the complainant.
5. As per the case of prosecution, the complainant- Yusuf Hussain who is son of the injured – Sujata Hussain has lodged a report that the applicant has assaulted his mother and thereafter, he himself has taken and admitted her to hospital.

6. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. She submits that the 3 prosecution witnesses have been examined and they have turned hostile. She submits that the complainant and the injured have given their affidavit regarding no objection to release the applicant on bail and she has filed the copy of their affidavit. She submits that the injured herself has stated in her affidavit that somebody has assaulted her from backside and she could not see the person assaulting her and the applicant had taken her to hospital. She submits that the applicant is in jail since 30.9.2019 and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application.
8. Perused the entire material available on record.
9. Considering the facts and circumstances of the case, in particular the nature of offence and further considering the fact that the complainant and injured have filed their affidavit and the injured has stated that she has no knowledge as to who has assaulted her and the applicant has taken her to hospital; and trial is likely to take some time for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
10. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.

11. 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 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.
12. Certified copy as per rules.

Sd/-

(Rajani Dubey)
JUDGE

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