

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.3796 of 2020

Manoj Udiya@ Manoj Mesharam S/o Late Sant Ram Aged About 29
Years R/o Sector-4, Street No- 21, Q. No-8-A Bhilai, Durg, District-
Durg, Chhattisgarh

---- **Applicant**

Versus

State Of Chhattisgarh Through SHO- Bhilai Bhatthi, Durg, District-
Durg. Chhattisgarh

--- **Respondent**

For Applicant	:	Mr. Krishna Tandon, Advocate
For State	:	Mr. Ravish Verma, G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

31/08/2020

Heard.

1. 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.103/2019 registered at Police Station-Bhilai Bhatthi, District-Durg (C.G.) for the offence punishable under Sections 307, 201 & 34 of the IPC.
2. The prosecution story, in brief is that on 08.06.2019 at about 6:30 pm, Aditya Singh had gone to Sector-3 by Activa. At that time, near 'Bargad' Tree, suddenly one child fell down on the ground and on account of which, at about 8:30 pm, Bhim Sethiya and Harish Sethiya came to the house of complainant and all persons had started abusing and threatening and further, on 09.06.2019, they further abused and threatened on phone on account of which, the complainant Aditya Singh was very much threatened and conveyed this fact to Rajvinder Singh and Jagdish. Rajvinder Singh was talking regarding the compromise with Bhim Sehtiya and at about 11:00 in the night, the complainant came to know that Rajvinder Singh, Jagdish and Subham Sharma had assaulted Bhim Sethiya, Harish Sethiya, Manoj Sethiya and Vijay Singh and other persons with the help of knife and 'Gupti'. Thereafter, they were taken to the hospital for treatment. Based on this, offence has been registered against the present applicant.

3. 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 applicant is in jail since 12.06.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant 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 case diary.

6. 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 the present applicant is in jail since 12.06.2019 and the trial is likely to take some time for its final disposal and that the co-accused Harish Sethiya, who is alleged to have assaulted with knife to victims has already been granted bail, therefore, in order to maintain parity, bail is being granted to present applicant. Accordingly, the application is allowed.

7. 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/-
(Manindra Mohan Shrivastava)
Judge