

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4344 of 2020**

- Ram Khilawan @ Raja Netam S/o Fool Singh Netam aged about 26 years, R/o Kodebod, Bhatapara, post office & Police Station-Birejhar, District-Dhamtari, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Tikrapara, District : Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate.
For Respondent/State : Mr. Vikram Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18/08/2020**

1. 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. 364/2019 registered at Police Station - Tikrapara, District-Raipur (C.G.) for the offence punishable under Sections 307, 506(B), 323/34 of the IPC.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of victim by this Court on 07.02.2020 in MCRC No. 8400/2019.
3. The prosecution story, in brief is that, complainant Vinod Dewangan lodge a report that on 25.05.2019 at about 12:30 am., when the complainant along with other friends was coming from the Mana, then the present applicant along with other co-accused persons reached near the aforesaid place and assaulted with knife to the complainant and ran away from the spot. Due to this complainant sustained injuries. Based on this offence has been registered against the applicant and other co-accused persons.

4. 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 there is some dispute and enmity between the applicant and the complainant on account of overtaking the vehicle due to which the injured and applicant used filthy language against each-other. He next submits that the applicant is in jail since 25.05.2019, and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. 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.
6. I have heard learned counsel for the parties and perused the case diary.
7. 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 applicant is in jail since 25.05.2019 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.
8. 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**