

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4815 of 2020**

- Gopal Ojha, S/o Santosh Ojha, Aged about 18 years, R/o Ekta Nagar, Gudiyaari, PS Gudiyaari, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through – Station House Officer, PS Gudiyaari, District Raipur (C.G.)

---- Respondent

For Applicant : Mr. Jitendra Shukla & Mr. Sumit Singh Rathore, Advocates.

For Respondent/State : Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02/09/2020**

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. 90/2020 registered at Police Station- Gudiyaari, District Raipur (C.G.) for the offence punishable under Section 307/34 of the IPC, 1860.
2. The prosecution story in brief is that, on 25.05.2020 at 09:00 pm, the present applicant along with one minor co-accused namely Kunal Tandi reached to the place of incident well equipped with the knife and the wooden stick and started assaulting the injured Avendra Deshmukh with wooden stick and when the other injured namely Faijan Akhtar reached the place to stop the fight, they also assaulted him with knife with the intention to kill them, due to which both the injured sustained injuries.
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 present applicant is mentally unfit and he is taking the treatment of the same for very long time and because of the reason that he is in jail for about

one and a half month, his treatment is badly affecting and his mental condition is also getting serious. He next submits that the applicant is in jail since 27.05.2020, 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 and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
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 that the applicant is in jail since 27.05.2020, 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.
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/-
(Rajani Dubey)
Judge