

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4443 of 2020**

- Kuleshwar Farikar, S/o Arun Kumar Farikar, Aged about 20 years, R/o In front of Sumeet Bazar, Daldal Seoni Road, PS Pandri, Raipur, District Raipur (C.G.)

**---- Applicant****Versus**

- State of Chhattisgarh, Through : SHO- Police Station Pandri, District Raipur (C.G.)

**---- Respondent**


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| For Applicant        | : | Mr. Shivendu Pandya, Advocate. |
| For Respondent/State | : | Ms. Sunita Jain, G.A.          |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****19/08/2020**

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. 438/2019 registered at Police Station- Pandri, District Raipur (C.G.) for the offence punishable under Sections 294, 324, 326, 506 of the IPC and under Sections 25 and 27 of the Arms Act.
2. The prosecution story, in brief is that, on 18.12.2019 near Dubey Colony, Pandri, District Raipur, when the brother/injured of the complainant namely Abhishek Dubey was standing near the aforesaid area, then present applicant came near the incident place and stopped the complainant as well as used the filthy language against the complainant. It is alleged by the complainant that the present accused/applicant has assaulted the complainant by way of knife and threatened to him. In result of this incident, the Abhishek Dubey brother of the complainant 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 there is some old dispute and enmity between the other accused person and complainant on account of previous marpit between them. He further submits that the applicant is in jail since 25.12.2019, 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 and submits that the allegation against the applicant is of serious in nature, therefore, no case is made out for grant him 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 25.12.2019 and further considering the facts that the offences are triable by Judicial Magistrate First Class as 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**