

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4518 of 2020**

1. Kamal Sai S/o Late Radho Din aged about 60 years, R/o Paraswar Kala, P.S. & Tahsil Rajapur, District-Balrampur-Ramanujganj, Chhattisgarh.
2. Govind Kaushik S/o Kamal Sai aged about 20 years, R/o Paraswar Kala, P.S. & Tahsil Rajapur, District-Balrampur-Ramanujganj Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through - Station House Officer, P.S. Rajpur, District-Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Ajeet Kumar Yadav, Adv.
For Respondent/State	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26/08/2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 89/2020 registered at Police Station-Rajpur, District-Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 294, 506, 323, 307, 34 of the IPC.
2. The prosecution story in brief is that, on 29.04.2020 at about 7:00 pm., complainant Devram Nath Kaushik came his house after constructing his house which is situated at village Paraswar Kala, Kotaripara, at that time, there are some simple dispute arisen between the applicants and complainant with regard to Tobacco, thereafter, the applicants have assaulted upon the head of the complainant with hammer and used filthy language too. Based on this, offence has been registered against the present applicants.
3. Learned counsel for the applicants submits that the

applicants are innocent and have been falsely implicated in the crime in question. He further submits that the applicant No. 1 is father of the complainant and the applicant No. 2 is cousin brother of the complainant, and there is simple disputed between them and the sustained injury by the complainant is simple in nature. He next submits that the applicants are in jail since 22.05.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants 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 them 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 applicants and further considering the facts that the applicants are in jail since 22.05.2020 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 applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**