

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4827 of 2020**

- Mayank Upadhyay, S/o Shri Yogesh Upadhyay, Aged about 22 years, R/o H. No. 34, Sunder Nagar, Raipur, Tahsil & District Raipur (C.G.)

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Ms. Smita Jha, Advocate.
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. 136/2020 registered at Police Station- Purani Basti, District Raipur (C.G.) for the offence punishable under Section 307 of the IPC, 1860.
2. The prosecution story in brief is that, on 06.05.2020 around 03:00 pm applicant and his friend were seating inside the car with the lock open in front of the complainant's husband shop in which complainant's husband asked them to get out from that place in spite of which applicant and his friend went away. On the date of incident, on 07.05.2020 applicant came in the shop of the complainant's husband and he asked him by saying that "why you refused me to sit in the car with applicant's friend", therefore, suddenly applicant took a knife from his pocket and gave a blow in the stomach of the complainant's husband and thereby injured him.
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 suffering from epilepsy and causing frequent seizures and apart from this applicant is also suffering from migraine and has been prescribed by the doctor to take regular medicine. He next submits that the applicant is in jail since 08.05.2020, 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 08.05.2020, 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