

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5061 of 2020**

- Ramchandra S/o Budhram aged about 50 years, Caste-Teli, R/o Village-Savaravan, P.S. Odgi, District-Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through – Police Station Odgi, District-Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Gyan Prakash Shukla, Adv.
For Respondent/State	: Mr. H. S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/09/2020**

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. 80/2019 registered at Police Station Odgi, District-Surajpur (C.G.) for the offence punishable under Sections 294, 323, 326, 506, 34 of the IPC.
2. The prosecution story in brief, is that on 07.11.2019 the complainant stated that he accompanied with his father, mother and brother and they all visited to their ancestral village Sanvaravan. Apart from ancestral property in village Sanvaravan they also having 20 decimal of land on which the applicant has constructed store room. Thereafter, mother of complainant made a query that who has constructed the said store room on their property against which the applicant got angry and started abusing and pushing to the family of the complainant and also made threats to kill them. Soon after this by using axe, sticks and fist, due to which father of complainant namely Laxman got injuries on his head. Based

on this offence has been registered against the applicant.

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 applicant is a disabled person the copy of disability certificate of applicant is filed herewith as Annexure-A/2. He also submits that the applicant is in jail since 07.07.2020, 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 offence committed by the applicant is 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 offence are triable by Judicial Magistrate First Class. The applicant is suffering from Motor Neurone Disease with 75% disability and he is in jail since 07.07.2020, 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**