

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5128 of 2020**

- Moti Shanker Verma S/o Shri Kholbahra, aged about 34 years, R/o village Sail, Thana - Kasdol, District Balodabajar-Bhatapara (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Kasdol, District Balodabazar-Bhatapara (C.G.)

---- Respondent

For Applicant	:	Shri Sunil Sahu, Advocate.
For Respondent	:	Shri H.S. Ahluwalia, Dy. A.G.

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

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.335/2020, registered at Police Station - Kasdol, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 307, 294, 323 and 506/34 IPC.
2. The allegation against the present applicant is that in a dispute relating to dirty water which took place between him and Khikram Sahu, brother of complainant, the applicant assaulted Khikram Sahu as a result of which he sustained injury on his head. Based on this, offence has been registered. The present applicant has been taken into custody on 28.05.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He also submits that the present applicant roped in the case just because he is the brother of main accused. He also submits

that the applicant is in custody since 28.05.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application. He submits that the brother of complainant sustained grievous hurt including minor fracture.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, nature of offence, quality of evidence and further considering the fact that the applicant is in custody since 28.05.2020, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge