

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5228 of 2020**

- Ravindra Kumar @ Uttam Dewangan aged about 44 years S/o Shri Jagdish Dewangan, R/o Sangharsh Nagar, Near Aakaro ITI, Ward No. 65, Tahsil and District-Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - Police Station Purani Basti, Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. N. Naha Roy, Adv.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22/09/2020**

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. 158/2020 registered at Police Station Purani Basti, Raipur, District-Raipur (C.G.) for the offence punishable under Sections 307, 34 of the IPC.
2. As per the prosecution story on 02.06.2020 the co-accused person namely Dumpy Dewangan assaulted to the victim with knife and caused injuries near neck, left eye and abdomen, in such scuffle the present applicant is alleged to have hit the victim with a stick. 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 even on taking the case of the prosecution as it is, it is clear that the knife blow was not given by the present applicant and there was no *mens rea* on his part to commit the offence. He also submits that the

applicant has also lodged a counter F.I.R. and the sustained injuries is simple in nature. He next submits that the applicant is in jail since 02.06.2020, 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 applicant is in jail since 02.06.2020, 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**