

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5407 of 2020**

1. Rajkumar Raj, S/o Tiharuram, Aged about 28 years,
 2. Raju Raj, S/o Tiharuram, Aged about 27 years,
 3. Dipik Raj @ Deepak Raj, S/o Tiharuram, Aged about 21 years,
- All applicants are R/o village- Jorapali, PS Sarsiva, Tahsil Bilaigarh, District Balodabazar-Bhatapara (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh, through-PS Sarsiva, District Balodabazar-Bhatapara(C.G.)

---- Respondent

For Applicants : Mr. A.K. Prasad, Advocate along with
Mr. Shrikant Kaushik, Advocate.

For Respondent/State : Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25/09/2020**

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. 248/2020 registered at Police Station- Sarsiva, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 294, 307, 323, 452, 34 of the Indian Penal Code, 1860.
2. The prosecution story in brief is that, it was alleged that on 20.07.2020, complainant Manoj Kumar Ratnakar was going to his house for taking lunch. When he reached near the house of Thandaram, Tiharuram, the father of the applicants so-called fell down from his motorcycle and has blamed the complainant for this upon which present applicants came there, entered into the house of the complainant and abused, threatened and assaulted on him by Lathi. Thereafter, offence has been registered against the present applicants and they have been taken into custody.
3. Learned counsel for the applicants submits that the present

applicants are innocent and have been falsely implicated in the crime in question. He further submits that the evidence collected by the prosecution is also not prima facie sufficient to hold the applicants guilty of the said offences and he also submits that no even grievous injuries were found on the body of the complainant. He next submits that the applicants are in jail since 30.07.2020, 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 applicants 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 applicants and further considering that the applicants are in jail since 30.07.2020, 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 present applicants on bail. Accordingly, the bail 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.

Certified copy, as per rules.

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