

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5454 of 2020**

- Ranjan Ramani S/o Mathura Prasad Aged About 52 Years R/o M-06 Jungle Colony, SECL Korba Tehsil And District Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through- Police Chowki Manikpur, Police Station Kotwali, Dist. Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. B. D. Guru, Advocate.
For Respondent/State	:	Mr. Rakesh Sahu, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15/12/2020**

1. The accused/applicant has moved this **second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 503/2020 registered at Police Station - Kotwali, Civil and Revenue District - Korba (C.G.) for the offence punishable under Sections 294, 354, 307 and 34 of the IPC.
2. The first bail application of the applicant was dismissed with liberty to revive after examination of material witnesses by this Court on 26.06.2020 in MCRC No. 3626/2020. The said order dated 26.06.2020 was modified as "**liberty to revive the same after filing of Charge-sheet**" by this Court on 20.07.2020 in **CRMP No. 898/2020**.
3. The prosecution story in brief, is that, on 30.05.2020 the complainant lodged a report with the allegation that applicant was abusing her, to remove the tree laying in-front of his house. When the complainant asked him not to abuse, the applicant assaulted the complainant and her relative (Shiv Choudhary) too. Thereafter, applicant's son and nephew reached the spot and started quarrel with them at the same time, the applicant went to his house and came with an iron rod-like object and

assaulted on the head of the Shiv Chaudhary. Due to this the Shiv Choudhary received injury on his head. Based on this, offence has been registered against the present applicant.

4. 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 there was a sudden provocation between both the family members due to the removal of the tree laying in-front of his house and a quarrel took place between them, in which both the parties received injuries. He also submits that a counter FIR bearing crime No. 504 has been registered against the injured person namely Shiv Choudhary, Anil Choudhary and Sandeep Choudhary, which has been lodged by the applicant on 30.05.2020 at about 4:15 pm., He next submits that the applicant is in jail since 30.05.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. 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 to release him on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the applicant is in jail since 30.05.2020 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.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- 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**