

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5873 of 2020**

- Rakesh Yadu S/o Rambagas Yadu Aged About 41 Years R/o Awadhpara, Near Sondongari Nala, Sondongari, P.S. Kabir Nagar, Raipur, Tehsil And District Raipur Chhattisgarh. ---- **Applicant**

Versus

- State Of Chhattisgarh Through The Police Station Kabir Nagar, Raipur Chhattisgarh., District : Raipur, Chhattisgarh ---- **Respondent**

For Applicant	:	Mr. Ankur Agrawal, Advocate.
For State	:	Mrs. Vimlesh Bajpai, Dy Advocate General

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

25-11-2020

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 8-8-2020 in connection with Crime No. 74 of 2020 registered at Police Station Kabir Nagar, Raipur, (CG) for the offence punishable under Sections 294, 506, 307, 323 read with Section 34 of IPC.
2. According to the case of the prosecution, the complainant had paid some advance amount to the applicant for purchase of cattle food. It is alleged that applicant had failed to supply cattle food to the complainant, therefore, complainant demanded for return of his money and during that altercation, allegedly, applicant assaulted the complainant due to which he sustained injuries on his head and other parts of the body. Matter was reported by the complainant on the date of incident itself. On the basis of the said, offence has been registered.
3. Learned Counsel appearing for the applicant submits that the

applicant is innocent and has been falsely implicated in the present case. He further submits that virtually on the date of incident the complainant demanded his money back from the applicant, he abused and assaulted the applicant due to which he himself sustained grievous injuries on his body parts. Firstly, applicant made the report against complainant and on the basis of the said complaint, offence under Sections 307, 294, 323 and 506/34 of IPC of IPC has been registered against the complainant. Therefore, in counter-blast, a false and fabricated report was lodged by the complainant. He would further submit that the applicant is in jail since 8-8-2020 and trial is likely to take some time for its disposal, therefore, the present applicant may be granted bail.

4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that the complainant also assaulted the present applicant and he also sustained injurious and on the basis of complaint made by the present applicant, offence under Sections 307, 294, 323 and 506/34 of IPC is registered against complainant Chhotelal and as a counter blast a report was lodged by the complainant against the applicant and in the same incident both applicant and complainant also sustained injuries and without further commenting on the merits of the case, I am inclined to grant bail to the present applicant.

7. Accordingly, the application is allowed and 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 two solvent sureties for the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial.

Sd/-

(Gautam Chourdiya)

Judge

Raju