

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6206 of 2020**

- Mohpal Singh Khadiya S/o Dharam Singh Khadiya Aged About 44 Years R/o Village- Patrapali, Police Station- Kartala, Tahsil Kartala, District- Korba, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- The District Magistrate, Korba, District- Korba, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate.
For State	:	Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****3-12-2020**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 22-7-2020 in connection with Crime No. 87 of 2019 registered in Police Station- Kartala, District Korba (CG) for the offence punishable under Section 307 of Cr.P.C.
2. The case of the prosecution is that on 21-7-2019 the complainant Mangal Singh Khadiya lodged a report in Police Station Kartala, District Korba stating therein that his son-in-law assaulted him by knife as a result of which he sustained injuries and thereby the applicant has committed the aforesaid offence.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the injuries sustained by the complainant are not fatal, the applicant is languishing in jail since 22-7-2019, charge sheet has been filed. He

would further submit that except the present case, no other criminal antecedents are reported against the applicant and conclusion of the trial is likely to take some time, therefore, the applicant may be granted bail.

4. On the other hand, learned counsel for the State though opposes the bail application would submit that except the present case, no other criminal antecedents are reported against the present applicant.
5. I have heard learned counsel for the parties and perused the record.
6. Perusal of the record would show that the complainant sustained two injuries; one is incised wound and another is linear abrasion and the complainant discharged from hospital within two days.
7. Considering all the facts and circumstances of the case, nature of injuries, further considering the submission of the State counsel that except the present case, no other criminal antecedents are reported against the applicant and further considering the detention period of the applicant, conclusion of the trial may take some time, without expressing any opinion on merits of the case, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two equivalent sureties for the like amount to the satisfaction of the concerned trial Court, he shall be released on bail. He is directed to appear before the trial Court on each and every date given to him by the said Court, till disposal of the trial.
8. It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge

Raju