

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6723 of 2019**

1. Tomesh S/o Saroj Jaiswal, aged about 22 years.
2. Rajendra Kumar @ Tonu S/o Ramkumar Jaiswal, aged about 29 years, Both are R/o village Khurdur, Police Station & Tahsil - Kota, District Bilaspur.

---- Applicants**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station - Kota, District Bilaspur (C.G.)

---- Respondent

For Applicants	:	Shri Dharmesh Shrivastava, Advocate
For Respondent	:	Ms. Akshara Amit, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****08/01/2020**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.153/2019, registered at Police Station - Kota, District Bilaspur (C.G.) for the offence punishable under Sections 147, 148, 452 and 307 IPC.
2. The prosecution story, in brief, is that the on 28.03.2019 a report was lodged by the complainant alleging inter alia that on the very day at 7.00 pm, the applicant along with co-accused persons formed unlawful assembly armed with deadly weapon lathi, Farsa and Iron pipe with common intention to commit murder of complainant Govind and his family members and in furtherance of common object they entered the house of complainant and assaulted them as a result of which complainant and his family members sustained injuries on their bodies. Based on this, offence has

been registered. The present applicant has been taken into custody on 24.09.2019.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the injuries sustained by the complainant were simple in nature and the complainant has not remained in hospital even for a day. He also submits that the applicants are in custody since 24.09.2019 and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application. He submits that the applicants have used deadly weapon club, farsa and iron pipe in the crime in question and there is counter FIR in the case.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, nature of injury sustained by the complainant and further considering the fact that the applicants are in custody since 24.09.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge