

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7240 of 2019**

- Mohammad Abid Khan @ Mohammad Abid Quraishi @ Baba, S/o Shri Mohammad Afjal Quraishi, Aged About 28 Years, R/o Shivaji Colony, Kawardha, Police Station & Tahsil Kawardha, District - Kabirdham Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through- District Magistrate, Kabirdham (Kawardha), District - Kabirdham Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dharmesh Shrivastava, Adv.
For Respondent/State	: Mr. V. K. Agrawal, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.01.2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 371/2019 registered at Police Station - Kawardha, District -Kabirdham (C.G.) for the offence punishable under Section 307 of I.P.C.
2. The prosecution story, in brief is that, on 11-12.08.2019 at about 1.00 am midnight, the present applicant called the victim by a telephonic call and told him that he was not returning his money amounting to Rs. 6000/-, which was borrowed by him. It is alleged that giving the threatening of murder to the victim, the present applicant assaulted him by surgical blade on neck and also assaulted by stone on head due to which he became unconscious. Thereafter, offence has been registered against the present applicant.
3. 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 charge-sheet has already been filed and there is no antecedent against the applicant. The applicant is in jail since 12.08.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
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 and further considering the facts that there is no antecedent against the applicant. The applicant is in jail since 12.08.2019 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.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/-, 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**