

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7284 of 2019

- Sunny Shah S/o Ganesh Shah Aged About 23 Years R/o Rajendra Prasad Nagar, Khurshipar Bhilai Tehsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- District Magistrate, District- Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

 For Applicant : Shri V.K. Sahu, Advocate
 For Respondent/State : Shri B.L. Sahu, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

07.01.2020

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.126/2019, registered at Police Station Khurshipar, Bhilai, District Durg(CG) for the offence punishable under Sections 307/34 of the IPC.
3. As per the case of prosecution, on 20.4.2019 in the night at about 9.30 pm, near G.E. Road, Khurshipar Bhilai in front of State Bank of India, the motorcycle of the applicant with 3 other persons dashed to the motorcycle of the complainant on which the applicant and other co-accused persons have assaulted the complainant on his abdomen with a sharp knife.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and there is no incriminating evidence against the applicant to prove his involvement in the

alleged incident. He further submits that the co-accused has been released on bail by this Court in MCRC No. 5395/2019 and the applicant is in jail since 20.4.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations and further considering that no role has been attributed to the present applicant; the applicant is in custody since 20.4.2019, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/-
(Rajani Dubey)
JUDGE