

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7336 of 2019**

- Shiv Sarthi S/o Shri Ram Lal Sarthi Aged About 29 Years, R/o Near Prakash Medical Stores, Changora Bhata, Raipur Police Station DD Nagar, Raipur Tahsil And District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station DD Nagar, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Rajesh Kumar Tiwari, Adv.
For Respondent/State	:	Mr. B. L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****27/01/2020**

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. 348/2019 registered at Police Station-DD Nagar, Raipur, District - Raipur (C.G.) for the offence punishable under Sections 294 and 326-A of the IPC.
2. The prosecution story, is that complainant Piteshwar lodged a complaint that the applicant was having animosity with the complainant as the complainant had given a vegetable cutting knife to the applicant before 10-15 days, which was not being returned by the applicant even after asking for number of times. On 07.10.2019, when the complainant was going to call the children for *Kanya Bhoj*, at that time, the applicant who is also the resident of the same locality was standing near *Shital* Pond the applicant started abusing to the complainant and applicant poured some

inflammable liquid upon the complainant which was kept by the applicant in a disposable glass due to this, the complainant received burn injuries on his left shoulder. Based on this, 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 the nature of burn is simply superficial and is not caused by acid. The applicant is in jail since 08.10.2019, 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, detention period of applicant and further considering the facts that as per medical report it is only a superficial burn and it is caused by petrol. The applicant is in jail since 08.10.2019 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**