

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7390 of 2019

- Manoj S/o Shri Gendram Bhardwaj Aged About 22 Years R/o Village Semariya, Police Station Palari, District Balodabazar-Bhatapara, Chhattisgarh.
- Rupesh S/o Gendram Bhardwaj Aged About 20 Years R/o Village Semariya, Police Station Palari, District Balodabazar-Bhatapara, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Palari, District Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicants	:-	Ms. Supriya Upasane, Advocate
For Respondent-State	:-	Mr. Anil Tripathi, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

13/01/2020

- The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 401/2019 registered at Police Station - Palari, District Balodazar-Bhatapara (C.G.) for the offence punishable under Section 307/34 of the IPC and

Sections 25 and 27 of the Arms Act.

- The prosecution story, in brief, is that on 11.10.2019 a complaint has been lodged against the applicants. On the date of incident in the evening both the complainants were going to take snacks near Nishad Auto Electricals Sandi, all the accused namely Manoj, Rupesh, Yagyakumar and Motilal suddenly came there, and caused injuries from knife to them on stomach, although the present applicants are not main accused but they were present at the spot with other co accused. Based on this, offence has been registered. The present applicants have been taken into custody on 12.10.2019.
- Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the present applicants are not main accused, the main accused name is Yagya Kumar. Next submission is that as the applicants are in jail since 12.10.2019, they are ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Court, the present applicants may be released on bail.
- On the other hand State counsel strongly opposes the bail application.
- I have heard learned counsel for the parties and perused the entire material available on record.

- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the present applicants are not the main accused. They are in jail since 05.11.2019 and as 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 applicants on bail. Accordingly, the application is allowed.
- Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the said Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge

Ankit