

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7313 of 2019**

- Sanjay Mistri S/o Shri Sachindra Mistri Aged About 31 Years R/o P. V. 82 Vijay Nagar, Police Station Bande, Civil And Revenue District North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Applicant**Versus**

- The State Of Chhattisgarh Through The Station House Officer, Police Station Bande, Civil And Revenue District North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Respondent

For Applicant	:	Shri Sunil Sahu, Adv.
For Respondent	:	Shri V.K. Agrawal, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****28/01/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.45/2019, registered at Police Station – Bande, District North Bastar, Kanker (C.G.) for the offence punishable under Sections 307 and 323 IPC.
2. The prosecution story, in brief, is that on 30.09.2019, Dhruv Vyapari gave information to the police that some unknown persons assaulted Parmil Sarkar, he has been admitted in Community Health Center, Bandhe and the FIR has been registered against the unknown persons. During investigation, on suspicion, the police interrogated the accused/applicant and his memorandum statement was recorded. Based on this, offence has been registered against the applicant. Present applicant has been taken into custody on 17.10.2019.
3. Pursuant to this Court's order dated 20.01.2020, Shri S. Kujur,

Investigating Officer of the concerned crime number, Police Station Bande, District North Bastar Kanker (C.G.) is present in person before this Court.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the name of the applicant is not mentioned in the FIR and, on his memorandum statement, he has been arrested in the crime in questions. He also submits that the injured sustained as many as three injuries and all the injuries are not fatal. He also submits that the applicant is in custody since 17.10.2019, the charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
5. On the other hand, learned State counsel opposes the bail application.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the facts and circumstances of the case, quality of evidence, and further considering the fact that the applicant is in custody since 17.10.2019, 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 him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge