

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7640 of 2019**

- Dharmendra Tandan @ Gangu, S/o. Lakhan Tandan, Aged About 21 Years, R/o Shivaji Nagar, Near Ghasidas Mandir, Khursipar, Bhilai, Tahsil and District- Durg Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through: The District Magistrate Durg, District-Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Gupta, Adv.
For Respondent/State	: Ms. Reena Singh, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24.01.2020**

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. 126/2019 registered at Police Station- Khursipar District- Durg, (C.G.) for the offence punishable under Section 307/34 of IPC.
2. The prosecution story, in brief is that, on 24.04.2019 at about 9:30 PM, near the Khursipar Bhilai in front of State Bank of India, the head on collision took place between the motorcycle of the complainant Chandrahas and three other persons, as a result of which the applicant and other co-accused assaulted the complainant on his abdomen with a sharp knife. Thereafter, the complainant/injured was taken to hospital, his statement was recorded by police and offence has been registered. In the test identification parade, the applicant and other co-accused persons were duly identified by the complainant. Memorandum statements of other co-accused persons have been recorded in which they have stated that the present applicant is also involved in the

incident. 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 been filed and the other co-accused has been granted bail in MCRC No. 5395/2019. The applicant is in jail since 28.04.2019, 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 the other co-accused has been granted bail in MCRC No. 5395/2019. The applicant is in jail since 28.04.2019, 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**