

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7696 of 2019**

- Nageshwar Dhruw @ Nagesh S/o Amar Singh Dhruw, Aged About 22 Years, R/o Santoshi Mandir, Near Jaitkhumbh, Satnamipara, P.S. Tikrapara, Raipur District Raipur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Ms. Sunita Sahu, Adv.
For Respondent/State	:	Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20/01/2020**

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. 364/2019 registered at Police Station-Tikrapara, District - Raipur (C.G.) for the offence punishable under Sections 307, 506-B, 323, 34 of the IPC.
2. The prosecution story, is that the complainant lodged a report that when he along with his friends was going by motorcycle for dropping to Nirmal Rayakwar at Mana and when they reached near Union Bank Devpuri, at that time, Tata Yoddha bearing registration No. CG-04-ML-3126 was horn in back side of the motorcycle of the applicant, applicant and other co-accused used to filthy language and have assaulted them by hands and fist and one co-accused has assaulted them with knife, due to which, his friend Vinod Dewangan sustained grievous injury on stomach. Based on

this, offence has been registered against the present applicant and other co-accused persons.

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 main allegation is against the other co-accused persons and the present applicant is in jail since 25.05.2019, 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 the main allegation is against the other co-accused persons. The applicant is in jail since 25.05.2019 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**