

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8142 of 2019**

Akash, S/o Sanjeet Chaudhari, aged 22 years, R/o Village- Sanjay Nagar,
Mahaborpur, Police Station Jainagar, Tehsil and District Surajpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Jainagar,
District – Surajpur (C.G.)

----Non-applicant

For Applicant	:	Mr. S.S. Baghel, Advocate.
For Non-applicant	:	Mr. B.L. Sahu, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****03/02/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 90/2019 registered at police Station Jainagar, District Surajpur (C.G.) for the offence punishable under Sections 294, 323, 325, 506 and 307 of the Indian Penal Code.

(2) Case of the prosecution, in nutshell, is that on 01.04.2019 at about 5.30 pm accused, on account of pulling off his pant by complainant Prakash Sarkar, assaulted on his head by the cricket bat, as a result of which he sustained multiple injuries on vital part of his head and became unconscious for two days and also hospitalized for about eight days. It is also alleged that the during the course incident, accused was also abusing him in filthy language and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that there is delay of about six days in lodging the

FIR, which has not been explained properly and the applicant has been arrested on 14.11.2019. He further submits that the charge sheet has already been filed and no custodial interrogation is required and the trial is likely to take some time for its final disposal, therefore, he may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the facts & circumstances of the case, further considering the extent of delay in lodging the FIR; and the facts that applicant is in jail since 14.11.2019; charge sheet has already been filed and 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 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 till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

