

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7823 of 2019**

- Suresh Bagh son of Saybo Bagh, aged about 22 years, resident of Udiya Mohalla, Rajeev Nagar, Chhawani, Near B.E.C. Chowk, Bhilai, Tahsil & District Durg (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station – Purani Bhilai, District Durg (C.G.)

---- Respondent

For Applicant	:	Shri Aman Yadav, Advocate
For Respondent	:	Ms. Akshara Amit, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****21/01/2020**

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.361/2019, registered at Police Station – Purani Bhilai, District Durg (C.G.) for the offence punishable under Sections 294, 506-B, 323, 307 and 34 IPC.
2. The prosecution story, in brief, is that on 20.08.2019 at 9.00 am, some dispute with regard to parking of vehicle cropped up between injured Pyare Lal Yadav and absconding co-accused person namely Lingo Bagh and Ashok Kumar Behra including the present applicant in which the present applicant and co-accused persons assaulted the victim hurling abuses. When complainant Satya Prakash came to intervene the matter, they also assaulted him. Based on this, offence has been registered. The present applicant has been taken into custody on 23.08.2019.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that the FIR has been lodged against the unknown persons and no Test Identification Parade has been conducted. He also submits that the police have not recorded the statement of the eye-witnesses who alleged to have seen the incident. He also submits that the injuries sustained by victim are simple in nature. He also submits that the applicant is in custody since 23.08.2019 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, nature of injury sustained by the complainant and further considering the fact that the applicant is in custody since 23.08.2019, 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 the applicant on bail.
7. Accordingly, the bail application is allowed.
8. 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 solvent 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