

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7814 of 2019**

- Jitendra @ Jitu S/o Shri Surendra Singh Aged About 24 Years, R/o Paras Gali No. 03, Devandra Nagar, Police Station Devandra Nagar, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Police Station Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ashok Kumar Kundu, Adv.
For Respondent/State	:	Mr. B.L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03/01/2020**

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. 146/2019 registered at Police Station-Bemetara, District-Bemetara (C.G.) for the offence punishable under Sections 294, 323, 326, 506, 307/34 of the IPC.
2. The prosecution story, is that on 15.01.2019 complainant Gagan Dubey had gone to his friend's birthday party where the applicant and other-co-accused persons asked him to change the song, upon which the complainant said that after finishing the running song, he will change the song then the applicant and the co-accused persons assaulted him with knife thrice, due to which he received injuries. Based on this, offence has been registered against the present applicant and other co-accused.
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 main accused has already been granted bail in MCRC No. 6463/2019 so, the present applicant may also be granted benefit of bail. The applicant is in jail since 04.11.2019, 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 main accused has already been granted bail and the applicant is in jail since 04.11.2019 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**