

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7824 of 2019**

1. Harish Kumar S/o late Balaram Vaishnav, aged about 27 years.
 2. Nitesh S/o late Balaram Vaishnav, aged about 22 years.
- Both R/o village Chilhati, Police Station and Tahsil Sahaspur Lohara, District Kabirdham (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through : Police Station Sahaspur Lohara, District Kabirdham (C.G.)

---- Respondent

For Applicants	:	Shri Abhishek Sharma, Advocate
For Respondent	:	Shri V.K. Agrawal, P.L.

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

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.142/2019, registered at Police Station – Sahaspur Lohara, District Kabirdham (C.G.) for the offence punishable under Sections 452, 394, 294, 506 and 307 IPC.
2. The prosecution story, in brief, is that on 02.09.2019, complainant Shyamlal Yadu lodged a written report at police station Sahaspur Lohara alleging therein that when his younger brother namely Subham who is running a welding shop was working, the present applicants came there at about 3.00 pm and assaulted him with shock-up, knife and also looted money from his shop. Based on this, offence has been registered. The present applicants have been taken into custody on 03.09.2019.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the applicants and injured are good friends and it is the injured who used filthy language against the applicants. He also submits that the injured remained in hospital for 4 days and, thereafter, he got discharged from the hospital. He also submits that the applicants are in custody since 03.09.2019 and there is no likelihood of their case being decided in near future. Therefore, they 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 applicants are in custody since 03.09.2019, 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 applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.50,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge