

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8473 of 2019

- Bishu Gharimi S/o. Adhir Gharimi Aged About 30 Years Resident Of Nehru Nagar - Digma, Police Station - Gandhinagar, District- Surguja Chhattisgarh,

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station In-Charge, Police Station- Gandhinagar, District - Surguja Chhattisgarh

---- Respondent

For Applicant	: Shri Vinod Kumar Tekam, Advocate
For Respondent/State	: Shri B.L.Sahu, Advocate

Hon'ble Smt. Justice Rajani Dubey

Order On Board

07/02/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.170/2019 registered at police station Gandhnagar, District Surguja (CG) for the offence punishable under Sections 294 307/34 IPC.

As per prosecution case, report was lodged by the complainant alleging that the applicant and co-accused has assaulted him with a bamboo stick on his head over some land dispute as a result of which he sustained injury.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that the complainant

and the applicant are relatives. He submits that similarly placed co-accused have already been granted bail by this Court in M.Cr.C. No. 6448/2019 vide order dated 28.11.2019 and therefore the present applicant may also be granted similar benefit. He submits that the applicant is in jail since 16.07.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State as well as father of the prosecutrix, present in the court opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge