

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 1491 of 2021**

- Aju @ Ajay Motwani (wrongly mentioned as Motwari) son of Shri Kishan Motwani, aged about 31 years, resident of infront of Eagle Building, Telibandha, P.S. Telibandha, District Raipur Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: the SHO of police station Gudiyari, Raipur, District Raipur, Chhattisgarh

-----Respondent

For Applicant	: Mr. C.R. Sahu, Advocate
For Respondent- State	: Mr. B.P. Banjare, Dy. Govt. Advocate

Hon'ble Shri Parth Prateem Sahu, Judge***(proceedings through video conferencing)*****ORDER****07/07/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 252/2019 registered at Police Station Gudhyari, District Raipur (C.G.) for the offence punishable under Section 307, 147, 148, 149, 120B of IPC and Section 25, 27 of Arms Act.
2. Case of the prosecution is, that on 28.06.2019, Mukesh Gupta @ Baniya met with injured Vikas @ Vikky and after asking his name, he took him behind the building where other co-accused persons were present. Mukesh assaulted him by means of knife and others by hand and fist. After assaulting the injured, all the accused persons ran away from the spot. The incident was reported to concerned police station based upon which instant crime was registered against the present applicant and other co-accused persons.
3. Mr. C.R. Sahu, learned counsel for the applicant submits, that main allegation of assault by means of knife is against Mukesh Gupta. He submits that the allegation against the present applicant is assault by

means of hand and fist. He submits that accused Mukesh Gupta, Abhishek Soni and Vikram Baghel have been granted bail *vide* order dated 28.01.2020 in M.Cr.C. No. 8034/2019 and the case of present applicant is on better footing than that of Mukesh Gupta. He submits that the present applicant is in jail since 18.09.2020 and he may be released on bail.

4. On the other hand, Mr. B.P. Banjare, learned Deputy Government Advocate, opposes the submissions made by the learned counsel for the applicant. He admits that the allegation of assault by means of knife is against Mukesh Gupta.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegation, the fact that other co-accused persons including Mukesh Gupta have been enlarged on bail on 28.01.2020 in M.Cr.C. No. 8034/2019 and pre-trial detention of the applicant, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court below on the conditions that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge