

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.3529 of 2021**

- Rajas Choubey S/o Bindeshwari Chaubey Aged About 19 Years R/o Shikshak Nagar, Kohka, Bhilai Tahsil, Street No. 17, Chowki Smriti Nagar, P.S.- Supela, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Chowki - Smriti Nagar, P.S. - Supela, District - Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent**MCRC No.5057 of 2021**

- Badal Soni S/o Heeralal Soni Aged About 27 Years R/o - Camp - 1 Nehru Chowk Behind Madhu Tea Stall. Chhawani Tehsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh, Through The District Magistrate Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

Present:- Shri T. K. Tiwari and Shri Avinash Chand Sahu, counsel for respective applicant.
Shri Rajendra Tripathi, PL for State.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****27/08/2021**

Heard.

1. Learned counsel for the applicant-Badal Soni (MCRC No.5057 of 2021) seeks to withdraw the bail application.
2. Accordingly, the bail application(MCRC No.5057 of 2021) is dismissed as withdrawn.
3. The applicant-Rajas Choubey has moved this bail application (MCRC No.3529 of 2021)under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.612/2020 registered at Chowki Smriti Nagar, Police Station Supela, Bhilai, Distt. Durg for the offence punishable under Section 307, 458, 380, 324, 34 of the IPC and Section 25 & 27 of the Arms Act. The applicant was arrested on 23-09-2020.

4. Prosecution case is that the applicant along with other co-accused entered into the house of the complainant for theft and when the applicants were trying to run away, the complainant/victim attempted to stop by catching hold of them, then he was assaulted by one of the co-accused by knife in the chest with an intention to cause death.

5. Learned counsel for the applicant-**Rajas Choubey** would submit that as far as allegation of assault on the victim is concerned, that is alleged against co-accused-**Badal Soni** and not against the present applicant and even according to the victim, he had caught hold of the present applicant, who was trying to run away and at this stage, co-accused Badal Soni took out knife and assaulted the victim. He would further submit that the applicant-**Rajas Choubey** is in jail since 23-09-2020 and trial has not been concluded, therefore, at this stage, when allegation of assault is on co-accused, not on the present applicant, the applicant may be granted bail.

6. On the other hand, learned State counsel opposes the bail application by submitting that though the victim had caught hold of the applicant-Rajas Choubey and another co-accused-Badal Soni assaulted the victim, the manner, in which, the applicant-Rajas Choubey and other co-accused entered into the house of the complainant/victim and when they trying to run away, attempt was made to catch hold of them, the complainant was assaulted, therefore, prima face case is made out against the applicants.

7. Taking into consideration the submission made by learned counsel for the parties, particularly taking into consideration the manner, in which, the incident is alleged to have happened and further that the complainant caught hold of the applicant-**Rajas Choubey** and other co-accused-**Badal Soni** has assaulted the victim in the chest by knife and that investigation is complete and charge sheet has been filed and the applicant is in jail since 23-09-2020, I am inclined to enlarge the applicant-**Rajas Choubey** on bail.

8. Accordingly, the bail application(M.Cr.C.No.3529 of 2021) is allowed. It is directed that the applicant-**Rajas Choubey** shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two local surety for the like amount to the satisfaction of the Trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge