

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7126 of 2021**

- Bihari Lal Jaiswal S/o Sitaram Aged About 58 Years R/o Village Mahuli, Police Station Chandani (Biharpur), Tahsil Odgi, District- Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through : Station House Officer, Police of Police Station Chandani (Biharpur), District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Anil Gulati, Adv.
For Respondent/State	:	Mr. Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25/10/2021**

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. 16/2021 registered at Police Station-Chandani (Biharpur), District - Surajpur (C.G.) for the offence punishable under Sections 294, 506, 323, 452 and 307 of the IPC.
2. The prosecution story, in brief is that, due to old rivalry on 24.04.2021 the present applicant along with other co-accused person assaulted the injured and his family members, on account of which the wife of the injured received grievous injuries, thereafter, she was taken to the hospital Biharpur, but looking to the condition, she was referred to Baithan. Based on this, offence has been registered against the present applicant.
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 as the sustained injuries were not sufficient to cause death and the applicant is in jail since 28.06.2021, 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 and submits that the applicant committed a serious offence; therefore, he may not be released on bail.
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 the applicant is in jail since 28.06.2021 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**