

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8117 of 2020**

- Dharmendra Gendle, S/o Dhaniram Gendle, Aged About 22 Years, R/o Minibasti Jarhabhata, Police Station- Civil Line, District- Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through: The Station House Officer, Police Station- Civil Line District- Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Abdul Wahab Khan, Adv.
For Respondent/State	: Mr. R.K. Sahu, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18.02.2021**

1. The accused/applicant has moved this **second bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 527/2020 registered at Police Station- Civil Line District- Bilaspur, (C.G.) for the offence punishable under Sections 307, 294, 323, 324, 506, 450 read with section 34 IPC and sections 25 & 27 of Arms Act.
2. Earlier, the first bail application of the applicant was dismissed vide order dated 22.09.2020 passed in MCRC No. 5295/2020 by this Court.
3. The prosecution story, in brief is that, the applicant along with his companion entered the house of complainant armed with deadly weapon and committed marpeet with complainant's nephew Anshu as the complainant had filed complaint against the applicant in connection with business of contraband articles running in the area. Based on this, the offence has been registered. The present applicant has been taken into custody on

25.07.2020.

4. 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 applicant has been acquitted by lower court in other two cases of same nature and there is no case pending against the applicant. It is submitted that the applicant is in jail since 25.07.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail.
6. I have heard learned counsel for the parties and perused the record.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the applicant has been granted bail by lower court in other two cases of same nature and the applicant is in jail since 25.07.2020 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.
8. 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 the applicant shall be released on bail, subject to following conditions:-
9. That, the applicant shall furnish a specific undertaking that while on bail, he will not commit any criminal offence otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
10. That, the accused/ applicant shall make himself available for interrogation before the concerned Investigating Officer as and

when required and the accused/ applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

11. That, the accused/ applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi