

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7353 of 2021**

- Mukund Diwan, S/o Mr. Budhlal Diwan, Aged About 26 Years, R/o Village Bhanpuri, P. S. Farasgaon, District Kondagaon Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The P.S. Farasgaon, District Kondagaon Chhattisgarh.

---- Respondent

For Applicant : Mr. Raza Ali, Adv.
For Respondent/State : Mr. Anurag Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01.11.2021**

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. 91/2020 registered at Police Station- Farasgaon, District Kondagaon (C.G.) for the offence punishable under Sections 307, 120-B, 34 of IPC.
2. As per the case of the prosecution, it has been alleged that on 18.09.2020, applicant along with other co-accused assaulted the complainant with sharp weapon with an intention to kill him, due to which he sustained injuries on his body. Thereafter, offence has been registered against the applicant and he has been taken into custody.
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 the injuries sustained by

the complainant are simple in nature except one injury which is in ear of the applicant and the applicant is in jail since 23.02.2021, charge-sheet has been filed, 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 offence committed by the applicant is of serious in nature, therefore, no case is made out for grant of bail to the applicant.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that applicant is in jail since 23.02.2021, charge-sheet has already been filed, 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 concerned Court for his appearance before the said Court as and when directed, the applicant shall be released on bail, subject to following conditions:-
8. 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.
9. 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.

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

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

R/-