

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7809 of 2021**

Karan Mahobiya S/o Lokchand Mahobiya, aged about 20 years, R/o Station Para, Ward No. 11, O.P. Chikhali, Tehsil & District Rajnandgaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh through: Police Station- O.P. Chikhali, District Rajnandgaon (C.G.).

---- Respondent

For Applicant : Mr. Pramod Ramteke, Advocate
For Respondent : Mr. Vaibhav Kartike Agrawal, PL

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

25/10/2021

Heard.

1. The applicant has preferred this first Bail Application under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No. 411/2021 registered at Police Station- O.P. Chikhali, P.S. Kotwali, District Rajnandgaon (C.G.) for the offence punishable under Sections 294, 323, 327, 506, 34, 324, 325 of the IPC and Section 25 of the Arms Act.
2. Case of the prosecution in brief is that on 17/07/2021 Complainant Love Kumar (henceforth 'the Complainant') was going to his house on his motorcycle. At about 10:30, he stopped near the Railway Fatak and went for pee. Thereafter, he saw a motorcycle seated by three persons coming behind him. The accused persons asked him for money for liquor and when the complainant refused to give, they abused him. One of the

accused person assaulted the complainant on his leg by a knife. Another accused person assaulted the Complainant by a rod and the present applicant assaulted the Complainant by hands and fists.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The applicant is aged about 20 years and trial is likely to take some time, therefore, he prays to release the applicant on bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that counsel for the applicant has wrongly mentioned the fact in his bail application that charge-sheet has been filed, but till date charge-sheet has not been filed.
5. On being asked to counsel for the applicant, he admitted that such fact has been wrongly mentioned in the bail application. He apologises for the same. This Court expects from him not to make such type mistake in future.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, particularly the fact charge-sheet has not been filed, this bail application is dismissed at this stage, however a liberty is granted to the counsel for the applicant to revive the bail application after filing of the charge-sheet.
8. Accordingly, the bail application is dismissed with the aforesaid liberty granted in favour of the applicant.

Sd/-
(Deepak Kumar Tiwari)
Judge