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**(2020) 01 CHH CK 0058**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case No. 8098 Of 2019

Prashant Gupta And  
Anr

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**Date of Decision:** Jan. 10, 2020

**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 294, 323, 327, 506
- Code Of Criminal Procedure, 1973 - Section 439

**Hon'ble Judges:** Rajani Dubey, J

**Bench:** Single Bench

**Advocate:** Shital Soni, Vinod Kumart Tekam

**Final Decision:** Allowed

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### **Judgement**

â€¢ The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing his on regular bail

during trial in connection with Crime No. 345/2019 registered at Police Station â€" Sakri, District Bilaspur (C.G.) for the offence punishable under

Sections 294, 323, 327, 506/34 of the IPC.

â€¢ The prosecution story, in brief, complainant-Manoj Singh Thakur lodged report on 24.11.2019 against the present applicants that they were

quarreling with his brother-Rahul Thakur and attacked on him with club and rod due to which he got grievous injuries. Based on this, offence has been

registered. The present applicants have been taken into custody on 25.11.2019.

â€¢ Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that

the applicants are bread earner and their long detention will adversely affect to their family members to run their livelihood. As the applicants are in

jail since 25.11.2019 and they are ready to furnish adequate surety and shall abide by all the directions and conditions which may imposed by this

Court, the present applicants may be released on bail.

â€¢ On the other hand State counsel strongly opposes the bail application.

â€¢ I have heard learned counsel for the parties and perused the entire material available on record.

â€¢ Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that they are

in jail since 25.11.2019 and as 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

applicants on bail. Accordingly, the application is allowed.

â€¢ Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each with one local surety in

the like sum to the satisfaction of the trial Court. They are directed to appear before the said Court on each and every date given to them by the said

Court.