

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.2930 of 2015

Bablu Yadav, S/o Shanker Prasad, aged about 24 years, R/o Kapur Singh Dafai, Chirmiri, Police Station Chirmiri, Civil and Revenue District Korea (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Khadgawa, District Korea (C.G.)

---- Non-applicant

For Applicant:	Miss Sharmila Singhai, Advocate.
For Non-applicant:	Mr. Qamrul Aziz, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/08/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.146/2014 (ST No.3/2015 pending in the Court of 2nd Additional Sessions Judge, Manendragarh), registered at Police Station Khadgawa, Distt. Korea, for the offence punishable under Section 304 of the IPC.
2. This is the second bail application filed on behalf of the applicant for grant of regular bail. First bail application has been dismissed as withdrawn vide order dated 2-2-2015 passed by this Court in M.Cr.C.No.448/2015.
3. Case of the prosecution, in brief, is that on 14-9-2014 the applicant forced deceased Salik Ram Yadav to drink liquor and upon his refusal, the applicant assaulted him by which he fell into the ground and became unconscious, thereafter, he was taken to the hospital where he died on 26-9-2014.
4. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the crime and he is in jail since 2-10-2014. There was no intention of the applicant to cause

death and no knowledge that his act is likely to cause death. Five witnesses have been examined and no custodial interrogation of the applicant is required and, therefore, the applicant be released on bail.

5. On the other hand, learned State counsel opposes the application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, without commenting on merits, taking into account the act of the present applicant, pre-trial detention of the applicant, charge-sheet has already been filed, five witnesses have already been examined and that no custodial interrogation of the applicant is required, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
8. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge