

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 407 of 2016**

- Santosh Kumar Meshram, S/o Ramnihora Meshram, aged about 26 years, R/o Ward No.03, nearby School, Rampur, Civil & Revenue District Dhamtari, District Dhamtari (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through- District Magistrate, Balod, District Balod (C.G.)

---- Non-applicant

For Applicant: Mr. Anil Gulati, Advocate.
 For Non-applicant/State: Mr. D.R. Minj, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/02/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.44/2015 registered at Police Station Ranchirai, District Balod for the offences punishable under Sections 450 & 307/34 of the Indian Penal Code.

(2) Case of the prosecution in brief is that in the intervening night of 20/21.6.2015 applicant and other co-accused Tarkeshwar assaulted victim Dhaneshwari by wooden stick, by which she suffered grievous injuries which were sufficient to cause her death and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has

not committed any offence and it is co-accused Tarkeshwar, who has some dispute with applicant's sister and he has made assault to the victim and, as such, applicant is not involved in the offence in question. He further submits that the applicant is languishing in jail since 4.10.2015; charge sheet has already been filed and no custodial interrogation is required and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State submits that applicant has actively participated in the crime in question and, therefore, the applicant is not entitled for regular bail.

(5) Taking into consideration the facts & circumstances of the case and looking to the nature and gravity of the offence; further considering the role of the present applicants in the crime in question and the facts that the applicant is in jail since 4.10.2015; charge sheet has already been filed; no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one 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 till disposal of the trial.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

