

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1762 of 2018

- Dayaram Korcho, S/o Devsai, Aged About 78 Years, R/o Pashupati Nagar, Basantpur, Distt. Balrampur Ramanujganj Chhattigarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Basantpur, Distt. Balrampur Ramanujganj Chhattigarh, District : Balrampur, Chhattisgarh

---- Respondent

For Applicant : Mr. A.N. Pandey, Advocate.
For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

27/06/2018

1. This is the second bail application of this applicant. The first bail application of this applicant was dismissed as withdrawn with liberty to file after evidence of material witness vide order dated 27.11.2017 in MCRC No.3685/2017. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.11/2017, registered at Police Station– Basantpur, District– Balrampur-Ramanujganj(C.G.) for the offence punishable under Section 302 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 16.2.2017. The trial against this applicant is in progress. All the main witnesses have been examined, who have not supported the

prosecution case, hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, the deceased Bhagmati was wife of this applicant. On the date of incident, this applicant and his wife the deceased had a quarrel and during that quarrel this applicant assaulted and thrashed the deceased with hands, fists, kicks and utensils because of which the deceased suffered grievous injury on her head and she died on the spot. Hence, this case.
6. The main witnesses in this case namely-Bhaiyaram, Shiv Kumari, Gyanpati, Dhanraj & Phoolchand Singh have been examined by the trial Court who have not supported the prosecution case because of which they have been declared hostile, hence, looking to the development of things, I am of this view that this is a fit case where applicant should be benefited with grant of regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge