

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2325 of 2018**

1. Bhagwat Yadav S/o Ramanuj Yadav, aged about 28 years, R/o Village Khorpa, P.S. Patan, District Durg (C.G.)
 2. Rupesh Yadav, S/o Ramanuj Yadav, aged about 25 years, R/o Village Khorpa, P.S. Patan, District Durg (C.G.)
 3. Parmendra Yadav, S/o Ramanuj Yadav, aged about 24 years, R/o Village Khorpa, P.S. Patan, District Durg (C.G.)
- Applicants**

Versus

The State of Chhattisgarh, through District Magistrate Durg, District Durg, C.G.

----Non-applicant

For Applicant	:	Mr. Amiyakant Tiwari, Advocate.
For Respondent/State	:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board**16/07/18**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 210/2017, registered at Police Station Patan, District Durg (C.G.) for the offence punishable under Sections 302 read with Section 34 of the Indian Penal Code, 1860.
2. Case of the prosecution, in brief, is that, the applicant has assaulted the deceased Johan Yadav by Axe by which he suffered grievous injury and died immediately thereafter.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and has not committed any

offence. He further submits that the applicant is in custody since 1.12.2017 and also the trial is likely to take some time for its final disposal, therefore he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case; further taking into consideration the nature & gravity of the offence; role of the present applicant; material available on record; I do not consider it a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, first bail application filed under Section 439 of the Cr.P.C. is rejected.

Certified copy as per rules.

SD/-

(Sanjay K. Agrawal)

Judge