

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4520 of 2018

- Ajit Singh Rathiya S/o Dharam Singh, Aged About 35 Years, R/o Village - Gurda, Tahsil Kharsiya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kharsiya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

----Non-applicant

For Applicant – Shri Ashish Gupta, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 25-10-2017 in connection with Crime No.502/2017 registered at P.S. - Kharsiya, District Raigarh, Chhattisgarh for the offence under Section 302 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 25-10-2017. No case is made out against him. According to the memorandum statement given by co-accused Dharam Singh, this applicant is alleged to have assaulted the deceased with a club, whereas, the cause of death in the postmortem report is due to strangulation, for which there is no evidence against this applicant. Co-accused Dharam Singh has been granted bail by the Sessions Court. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. The allegation against this applicant in the case is this, that he in

inebriated condition assaulted his brother, deceased Biram on his head with a club, which resulted into his death and thereafter he and his father both buried the dead body of the deceased in the courtyard of their own house.

6. Considered on the material present in the case diary. On going through the postmortem report, it appears that the death of the deceased is not caused due to the injury inflicted by hard and blunt object or club, but due to strangulation. Hence, looking to the nature of evidence against this applicant, I am of the view that he should be granted regular bail during pendency of the trial against him.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge