

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4935 of 2018**

Ajay Mali S/o Rajesh Mali Aged About 19 Years R/o Kankali Para, Navbharat Chowk, Beside Of Vinayak Salon P.S. Purani Basti District Raipur State Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Purani Basti District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Santosh Bharat, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.08.2018**

Heard.

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. 230 of 2017, registered at Police Station Purani Basti, District Raipur, Chhattisgarh for the offence punishable under Sections 294, 506(b), 323, 302 and 427 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 17.8.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant is charged and tried for the offence of murder. Hence, he is not entitled for grant of bail.

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

5. The allegation against the applicant is that on account of some quarrel regarding *Dahi Handi*, he and the co-accused both abused, threatened, thrashed and then damaged the vehicle in which deceased – Raghunath was travelling. It is alleged that the applicant assaulted the deceased with hands and fists whereas, the co-accused assaulted the deceased with a metal bucket causing fatal injury on his head, which resulted in his death.

6. After considering the material present in the case-diary and looking to the role of the applicant that he assaulted the deceased only with hands and fists, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular bail.

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

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi