

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5009 of 2018**

Pitambar Mahant S/o Late Taradas Mahant Aged About 25 Years R/o Village - Chirra, Ward No. 1 Police Station Katghora District Korba Chhattisgarh., District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Police Station Katghora District Korba Chhattisgarh.

---- Respondent

For the Applicant : Shri Akhtar Hussain, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.08.2018**

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.20 of 2018, registered at Police Station – Katghora, District Korba, Chhattisgarh for the offence punishable under Section 302 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 13.1.2018 and has been falsely implicated in this case. The important eyewitnesses in this case have not supported the case of 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 trial is still pending and the hostility of some witnesses will not affect the trial

and conclusion of the case. Hence, he is not entitled for grant of regular bail.

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

5. The case against the applicant is that on the date of incident, on account of some dispute he assaulted his father – Taradas Mahant with hands and fists because of which, he fell down and died on the spot. Hence, this case.

6. Considered the entire material present in the case-diary and perused the certified copy of the depositions of three eyewitnesses in this case, who have not at all supported the case of the prosecution and they have been declared hostile. Hence, for these reasons, I am of the considered opinion that the applicant deserves to be released on 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