

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5280 of 2018**

Yogesh Jaiswal, age 28 years, S/o. Laxman Jaiswal, R/o. Gram Nandeli, P.S.
- Takhatpur, District – Bilaspur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station – Torwa, District – Bilaspur
(C.G.)

---- Respondent

For Applicant	:	Mr. R.K. Gupta, Advocate
For Respondent	:	Mrs. Smita Ghai, P.L.

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

17/08/2018

1. 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.187/2018, registered at Police Station- Torwa, District – Bilaspur (C.G.) for the offence punishable under Section 365, 304 (Part-II), 201/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 13.05.2018. Charge-sheet in this case has been filed after completion of investigation. No case is made out against him according to the material present in the charge-sheet. It is further submitted that similarly placed co-accused Dipesh @ Pappu in this case has been enlarged on bail by this Court vide order dated 07.08.2018 in M.Cr.C. No.5003/2018, hence, it is prayed that the applicant may also be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. As per prosecution case, it is alleged that on the date of incident, the main accused Jani Dhruv had intention to molest the wife of the deceased Sanjay Sahu and for that reason he forced him to drink heavily and subsequently, the deceased was found dead. The allegation against this applicant is this that he had been in company of the main accused at the time when the party was going on. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and further taking into consideration the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, this applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge