

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7478 of 2017**

Pramukh Yadav S/o Dev Kumar Yadav, Aged About 19 Years R/o Village Kanda, Tahsil Balrampur, Police Station Pasta, District Balrampur, Ramanujganj, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station- Pasta, District Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For the Applicant : Shri A.K. Yadav, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.01.2018**

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.51 of 2017, registered at Police Station – Pasta, District – Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 302, 120-B and 294 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 30.10.2017 and he has been falsely implicated in this case. On the basis of the material available in this case, no case is made out against the applicant. 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 had been present on the spot of incident when the incident took place and he was seen fleeing by the witnesses, further he was also threatening the deceased on some day prior to the date of incident, because of dispute regarding the Chairmanship of the society and there is sufficient evidence against the applicant that he was involved in conspiracy. Hence, the applicant is not entitled for grant of bail.

4. Learned counsel for the Objector submits that the applicant and the deceased had previous enmity between them on account of dispute regarding election of Sarpanch and Upsarpanch in the Panchayat. He also adopted the arguments submitted by the State counsel that the applicant may not be granted bail.

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

6. The case is that on the date of incident main accused Santosh Yadav assaulted deceased Anand Yadav and caused his death. FIR was lodged on the same day naming Santosh Yadav as the accused. Later on, the name of the applicant has appeared in the statement under Section 161 of the Cr.P.C. given by the witnesses.

7. Considering the submissions and the contents of the case diary, taking into consideration the material on record, I am of the considered opinion that the applicant deserves to be released on bail.

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

9. It is directed that 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge