

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 370 of 2019**

- Subhash Bhoi S/o Shri Laxman Bhoi Aged About 45 Years R/o Village Singarpur, Police Choki Baloda, Thana- Saraipali, District- Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Chowki - Baloda and Police Station Saraipali, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. R.S. Patel, Advocate
For State/Respondent	:	Mr. K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****01/02/2019**

1. The Applicant has preferred this first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 253/2018 registered at Police Chowki Baloda, Police Station Saraipali, Distt. Mahasamund (C.G.) for the offence punishable under Sections 294, 323, 302 & 34 of the IPC.
2. As per prosecution story, on 08/08/2018 due to some quarrel, Deceased Sudhama Bhoi has been assaulted by present Applicant & co-accused persons namely Pradeep & Koyata Bhoi with hand, fist and spade due to which deceased sustained grievous injuries on his head. Initially, offence under Section 307 of the IPC has been registered. On 20/08/2018 during course of treatment, the Deceased died, thereafter, offence under Section 302 of the IPC has been added. Allegations against the present Applicant is that at the time of incident, he assaulted Sudhama Bhoi with hand and fist only. The Applicant has been arrested on 11/08/2018.
3. Learned counsel appearing on behalf of the Applicant submits that the

Applicant is innocent and has been falsely implicated in the case. There is nothing on record on the basis of which any offence under Section 302 of the IPC can be made out against the present Applicant. Though there are two eye-witnesses namely Kishore and Shekhar, from perusal of their statements, it seems that the main assailant is co-accused Pradeep. Only Allegation against the present Applicant is that he assaulted the Deceased with his hand and fist. On the same set of allegations, co-accused namely Smt. Koyata Bhoi has already been granted bail by this Court vide order dated 05.12.2018 passed in MCRC No. 8990/2018. Thus, he also prays that the present Applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the main assailant is co-accused Pradeep, the Applicant is in custody since 11/08/2018 and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court, as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge