

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2160 of 2019

- Jaybindu Singh S/o Shyam Singh, Aged About 47 Years, R/o Village - Thasdiha, Police Station Risinsan, District Ourangabad (Bihar), District : Aurangabad, Bihar

----Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station – Kota, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Shri Shubham Tripathi, Advocate.

For Non-applicant/State – Shri Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-04-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 15-03-2017 in connection with Crime No.66/2017 registered at P.S. Kota, District Bilaspur, Chhattisgarh for the offence under Section 341, 294, 302, 324, 506 Part II, 34 of the IPC and Section 3(1)(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against him. This applicant is not the main accused in this case and he has not made any assault on the deceased, although he was present with the other co-accused persons. There had been no intention of the co-accused persons to cause death of the deceased for the reason that the deceased was assaulted only by club and hands and fists. The main accused and co-accused persons have been granted bail by this Court. Therefore, it is prayed that this applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that it is a case of culpable homicide amounting to murder, therefore, no case is made out for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on 14-03-2017 main accused Rakesh Singh quarreled with Faguram and then assaulted him with club causing injuries on various parts of his body. The deceased died on 17-03-2017. The allegation against this applicant is this, that he was in company of the main accused and co-accused person.
6. After considering that main role has been played by the co-accused person who has been granted bail, therefore, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge