

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3843 of 2019

- Rameshwar Nishad S/o Shri Panchram Nishad Aged About 21 Years
R/o Ameri, Akhbari, Police Station Belha, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through SHO, Police Station Belha, District
Bilaspur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Achyut Tiwari, Advocate.

For Non-applicant/State : Mr. Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-09-2019

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 05.03.2019 in connection with Crime No.54/2019, registered at Police Station– Thana, District- Bilaspur, Chhattisgarh for offence punishable under Section 302 of I.P.C.
2. It is submitted by learned counsel for the applicant that the applicant has not committed any offence. The trial is in progress. About nine witnesses have been examined. None of them have supported the prosecution case and the important eye witness- Cheddilal is also declared hostile by the prosecution for not supporting the prosecution case, therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, on 21.02.2019 because of some dispute, this applicant picked up the deceased Ramachand Kewat and throw him on the hard surface because of which, he suffered injury. Then the deceased was admitted to the hospital for the treatment where he died on 24.02.2019 due to head injury.
6. Considering that the important witnesses in the trial have not supported the prosecution case, 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.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge