

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4892 of 2019

- Dev Singh Yadav S/o Shri Bandhan Singh Yadav, Aged About 45 Years, R/o Village-Sokha Muda, Out Post- Raimura Khurd, P/s. and Tahsil-Dharmajaigarh, District- Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer of the Police Station-Dharamjaigarh and District- Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

----Non-applicant

For Applicant – Shri Abhishek Saraf, Advocate.

For Non-applicant/State – Shri Ghanshyam Patel, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-09-2019

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 04-07-2017 in connection with Crime No.191/2017 registered at P.S. - Dharamjaigarh, District- Raigarh, Chhattisgarh for the offence under Section 302 of the IPC and Section 3(2)(5) of the 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. He is in jail since 04-07-2017. The trial against the applicant has made progress in which the main eye-witnesses have been examined and they have not supported the prosecution case. Therefore, looking to this development, it is prayed that the applicant 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 02-07-2017 at about 10:00 P.M. deceased Sohan Sarathi was abusing the applicant and others, because of

which it is alleged that this applicant assaulted the deceased with a club causing fatal injuries to him, as a result of which he died. Hence, this case.

6. Perused the certified copy of the deposition of the main eye-witnesses namely Barmet Bai and Shanti Bai who have not supported the prosecution case and have been declared hostile, therefore, looking to this development in the trial against the applicant, 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