

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5070 of 2019

- Heeralal S/o Bajilal Aged About 32 Years R/o Village Udhnapur, Police Station Khadgawa, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Chirmiri, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant	: Shri Anil Gulati, Advocate
For State	: Shri Sameer Singh, Dy. Govt. dvocate

Hon'ble Smt. Justice Rajani Dubey
Order On Board

05.11.2019

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.420/2016 registered at Police Station Chirmiri, District Koriya (CG) for the offence punishable under Section 302 of the IPC.
2. As per the case of prosecution on some altercation, in the intervening night of 1st and 2nd December, 2016, the applicant assaulted Ramcharan Agariya with hands and fists due to which he died. A report was lodged and the applicant was arrested.
3. Learned counsel for the applicant submits that the

applicant is innocent and he has been falsely implicated in the present case. He submits that a small dispute had taken place and the applicant has slapped only once to Ramcharan Agariay. Wife of the deceased PW10-Smt. Aasha has not stated anything about assaulting the deceased by the applicant. He further submits that the examining Doctor has also not given definite opinion regarding death of the deceased. The applicant is in custody since 7.12.2016; charge sheet has been filed and trial will likely to take some time, therefore, the applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the facts and circumstances of the case, particularly considering the nature of allegations against the applicant and charge sheet has been filed, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the trial Court for his appearance before the said Court as

and when directed till the disposal of the trial.

9. Certified copy, as per rules.

Sd/

(Rajani Dubey)
JUDGE

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