

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5480 of 2019**

- Rahul Nishad S/o Nand Kumar Nishad Aged About 21 Years R/o Village Sungera, Police Station Tilda, Nevra, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Tilda Nevra Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P. Chetan Kumar on behalf of Mr. B. Gopa Kumar, Advocate.
For Respondent	:	Mr. Anil Tripathi, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02/12/2019**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 42/2019 registered at Police Station – Tilda Nevra, District Raipur (C.G.) for the offence punishable under Sections 302, 294, 323, 506-II & 34 of IPC.
- The prosecution story in brief is that, on 04.02.2019 during Madai Mela at village Sungera, the present applicant with his uncle (co-accused) was creating nuisance and when deceased Leeladhar and other persons stopped them from doing so, a quarrel arose between them. Thereafter, applicant hurled abuses and beaten brutally to the deceased, due to which, he got injured and during treatment, after three days i.e. on 07.02.2019, deceased Leeladhar died. After completion of investigation, offence has been registered against the applicant and he was arrested.

- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that deceased Leeladhar was died after three days of incident which show that applicant had no intention to kill him. He is in jail since 08.02.2019, therefore, the present applicant may be released on bail.
- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant and further considering the fact that deceased Leeladhar was died after three days of incident, trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge