

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5869 of 2019**

- Rahul Rathiya S/o Lalit Mohan Aged About 23 Years, R/o Village Dudugjor, Police Station Patthalgaon, District- Jashpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer Police Station Patthalgaon, District- Jashpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ashish Shukla, Adv.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 135/2019 registered at Police Station Patthalgaon, District-Jashpur (C.G.) for the offence punishable under Section 302/34 of the IPC.
2. The prosecution story, in brief is that, on 06.07.2019 at about 6:00 pm., complainant was returning from her work place Patthalgaon then, Shiv Kumar Yadav, Basant Yadav and Dev Kumar Yadav told her that over to dispute of mobile phone, the accused persons namely, Bhawan Das and the present applicant (Rahul Rathiya) assaulted her husband by hands and fist, due to this her husband died. Based on this offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the applicant assaulted only by hands and fist and no grievous injury sustained. The applicant is in jail since

07.07.2019, there is no likelihood of his case being decided in near future, therefore, the present 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 the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the applicant assaulted only by hands and fist, due to this no grievous injury sustained. The present applicant is in jail since 07.07.2019 and the 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.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**