

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6290 of 2019**

- Sadan Khes S/o Ramnath Khes, Caste – Uraon, aged about 20 years, R/o village Maharajpur, P.S. Podi, Tahsil Manendragarh, District Koriya (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Podi, District Korba (C.G.)

---- Respondent

For Applicant	:	Shri Ram Sajiwan, Advocate
For Respondent	:	Shri Reena Singh, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****07/11/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.62/2018, registered at Police Station – Podi, District Koriya (C.G.) for the offence punishable under Section 302 IPC.
2. The prosecution story, in brief, is that on 21.06.2018 at about 7.00 pm, some dispute cropped up between the deceased and the applicant over selling of goat, the applicant was provoked by the deceased in which the applicant assaulted the deceased with axe as a result of which deceased died in the hospital. Based on this, offence has been registered. Present applicant has been taken into custody on 23.06.2018.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that there are in all 32 prosecution witnesses, out of which 11 witnesses have been examined and all of them turned hostile. He also submits that the applicant is in custody since 23.06.2018, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, in particular the quality of evidence, and further considering the fact that the applicant is in custody since 23.06.2018 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge