

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6436 of 2019**

- Shankar @ Balchi S/o Balswami, aged about 21 years, R/o Bajrang Chowk, Ruwabandha, Tahsil and District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : District Magistrate, Durg, District Durg (C.G.)

---- Respondent

For Applicant	:	Shri T.K. Jha, Adv.
For Respondent	:	Shri Sameer Sharma, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****28/11/2019**

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.168/2019, registered at Police Station – Bhilai Nagar, District Durg (C.G.) for the offence punishable under Sections 341, 302, 147, 148, 149 IPC and Sections 25 and 27 of Arms Act.
2. The prosecution story, in brief, is that on 06.05.2019 at 14.00 pm, the present applicant along with other co-accused intercepted deceased Pawan Yadav @ Don on account of previous enmity and assaulted him with stick, baseball bat, knife and sword resulting in his death. Based on this, offence has been registered. The present applicant has been taken into custody on 16.08.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the present applicant was not present at

the time of incident, though, the eye-witness of the incident uttered the name of present applicant in his statement under Section 161 Cr.P.C. but his statement is not part of the charge sheet. He also submits that even no seizure was made from the present applicant. It is next submitted that the applicant is in custody since 16.08.2019 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 counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 16.08.2019, charge sheet has been filed 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge