

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6427 of 2019

- Mukesh Ram S/o Deena Ram Aged About 22 Years Resident Of Village - Jhagarpur, Police Station Bagicha, Tahsil - Bagicha, District Jashpur Chhattisgarh.....(In Jail)

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station - Bagicha, District - Jashpur Chhattisgarh.....(Non Applicant)

---- Respondent

For Applicant	: Shri J.K.Saxena, Advocate
For Respondent/State	: Shri Samir Sharma, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

28/11/2019

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.71/2019 registered at police station Bagicha, District Jashpur (CG) for the offence punishable under Section 302 IPC.

As per prosecution case, on 21.05.19, report was lodged at police station Bagicha alleging that on the date of incident, when complainant along with his grandfather was returning home after the pooja, applicant assaulted with bludgeon on the head of his grandfather as a result of which he fell unconscious. It is further alleged that he was taken to hospital where during treatment died on

17.02.2018.

Counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the merger intimation and postmortem report is of 03.02.2019 as per charge sheet whereas the deceased was admitted in hospital on 17.02.2019. He submits that the applicant is in jail since 05.08.19; the charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion and therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge