

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6940 of 2019**

- Yashwant Yadav S/o Fagulal Yadav, aged about 20 years, R/o village Karanpali, Police Station and Tahsil Baramkela, District Raigarh (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Shri T.K. Jha, Adv.
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****20/12/2019**

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.23/2019, registered at Police Station – Baramkela, District Raigarh (C.G.) for the offence punishable under Sections 302, 201 and 120-B IPC.
2. The allegation against the present applicant is that he along with other co-accused persons with intent to cause death of deceased Jeet Ram Choudhary emptied the trolley containing soil over him as a result of which he got buried under the soil. Thereafter, the dead body was kept in an agricultural field to destroy the evidence of offence. Based on this, offence has been registered. The present applicant has been taken into custody on 25.02.2019.
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 applicant was implicated in the

crime in question because he was last seen with the deceased, there is no previous animosity with the deceased and he died due to falling in a dig. He also submits that according to the postmortem report, the death was not homicidal in nature but was due to internal injury. He also submits that there is no memorandum and seizure to prove the involvement of the applicant. It is next submitted that the applicant is in custody since 25.02.2019, 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 counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
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 25.02.2019, 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