

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7299 of 2019**

1. Mukesh Kumar S/o Uderam Patel Aged About 36 Years, R/o Bramhanpara, Ward No. - 23, Dongargarh, Police Station And Tehsil - Dongargarh, District - Rajnandgaon, Chhattisgarh.
2. Ajay Patel S/o Uderam Patel Aged About 30 Years, R/o Bramhanpara, Ward No. - 23, Dongargarh, Police Station And Tehsil - Dongargarh, District - Rajnandgaon, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Police Station - Dongargarh, District - Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Vishnu Koshta, Adv.
For Respondent/State	:	Mr. Wasim Miyan, PL.

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

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 485/2019 registered at Police Station-Dongargarh, District-Rajnandgaon (C.G.) for the offence punishable under Sections 294, 323, 506/34 and 302 of the IPC.
2. The prosecution story, in brief is that, on 13.09.2019 at about 10:30 pm. the applicants/accused persons came in front of house of deceased and started abusing him and threaten to kill him and thereafter, they assaulted the deceased with rope (Gerva), on account of which the deceased namely Sandeep Yadav died. Based on this offence has been registered against the present applicants.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question.

He further submits that as per the medical report there was no external or internal injury on the body of the deceased and he has died of heart attack. The applicants are in jail since 13.09.2019 and there is no likelihood of their case being decided in near future, therefore, the present applicants 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 the applicants and further considering the facts that as per the medical report there was no external or internal injury on the body of the deceased. The present applicants are in jail since 13.09.2019 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 applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

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