

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 176 of 2020**

- Kamdev Chouhan, S/o Late Sanat Chouhan, Aged About 40 Years, R/o Behind Basant Talkies, Bhilai, Police Station Chhavni, Civil & Revenue, District- Durg, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station- Bemetara, District- Bemetara, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Sharmila Singhai, Adv.
For Respondent/State	: Mr. Vinod Kumar Tekam, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06.03.2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 631/2019 registered at Police Station- Bemetara, District- Bemetara, (C.G.) for the offence punishable under Section 302/34 of I.P.C. and 3 (2) (5), SC/ST Act.
2. The prosecution story, in brief is that, on 28.10.2019, the deceased along with one Chandrashekhar, his niece and nephew went to crackers shop of applicant for purchasing some crackers. At that time, quarrel took place between deceased and the applicant and thereafter applicant and his assaulted the deceased by club and belt, as a result of which, deceased died in the hospital. Thereafter, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. She further submits that eye-witnesses turned hostile and as per post-mortem report, there is no external

injury found by the doctor on the body of the deceased. The applicant is in jail since 29.10.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant 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, and further considering the facts that eye-witnesses turned hostile and as per post-mortem report, there is not grievous injury on the body of the deceased. The applicant is in jail since 29.10.2019 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 applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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