

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 461 of 2020

- Hemant Sahu S/o Premlal Sahu Aged About 28 Years R/o Rajmahal Colony, Ward No.08, Kawardha, Police Station And Tahsil Kawardha, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Kawardha, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	: Shri Dharmesh Shrivastava, Advocate
For Respondent/State	: Shri B.L.Sahu, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

03/03/2020

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. 378/2019 registered at police station Kawardha, District Kabirdham (CG) for the offence punishable under Sections 294,323,324,506,34 and 302 IPC.

As per prosecution case, report was lodged by the complainant alleging that on the date of incident, he and his brother-in-law were sitting at the provision store of one Dinesh Patre, at that time, applicant and the co-accused came there and asked his brother-in-law to move aside whereupon he asked him that there is more space over there and he can sit there. At this, some altercation took place between them

and the applicant and co-accused started abusing and assaulting with hands and fists, slammed him resulting his death.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that similarly placed co-accused has been granted bail by this Court vide order dated 08.01.2020 in M.Cr.C. No. 7179/2020 and therefore the present applicant may also be granted the benefit. He submits that the applicant is in jail since 04.09.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

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 and that the co-accused has been granted bail, 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