

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 555 of 2020

- Shivprasad Jagate S/o Nadhir Jagate Aged About 47 Years R/o. Karamdiha, Police Station Basantpur, District Balrampur-Ramanujganj, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station Basantpur, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ram Narayan Sahu, Advocate
For Respondent /State	: Ms. Akshara Amit, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

09/03/2020

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. 22/2019 registered at police station Basantpur, district Balrampur -Ramanujganj (CG) for the offence punishable under Section 302 IPC.

As per prosecution case, report was lodged by one Mangal Deep Jagate, brother of the husband of the deceased that on the date of incident, his sister was found unconscious in the room and blood was coming from her mouth. Thereafter, report was lodged by him. It is further alleged that there were no one present in the house. On investigation, it has come that she died due to throttling and thereafter

the applicant was arrested.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that PW-1 to PW-5 have not supported the prosecution case before the trial court. He submits that the applicant is in jail since 07.02.2019 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, 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