

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 636 of 2020**

- Sonu Sahu, S/o Ramesh Sahu, R/o Jyotiba Nagar, Kota Road, P.S. Gudhiyari, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station Gudhiyari, District Raipur (C.G.)

---- Respondent

For Applicant : Shri Devershi Thakur, Advocate.
For Respondent. : Shri Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****30/06/2020**

1. The applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as she is in custody since 16.05.2019 in connection with Crime No.195/2019 registered at Police Station : Gudhiyari, District Raipur (C.G.) for the offence punishable under Section 302 IPC.
2. The allegation against the present applicant is that he assaulted deceased Pyarelal by hands and fists as a result of which he died. Based on this, offence has been registered. The present applicant is in custody since 16.05.2019.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He also submits that the only allegation against the applicant is that he assaulted the deceased with hands and fists, and as per the postmortem report, the cause of death was head injury and manual strangulation. He further submits that the applicant is in jail since 16.05.2019, charge sheet has been

filed and there is no likelihood of his case being decided in near future and, therefore, he may be released on bail.

4. On the other hand, State counsel opposing the bail application submits that there is eye-witness to the incident who has categorically stated against the applicant.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, gravity of offence and further considering the quality of evidence, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Rajani Dubey)
Judge