

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 824 of 2020**

- Rambhagat Dansena S/o Gajalal Dansena Aged About 37 Years Resident Of Near Lal Bahadur School Bamhanidih, Police Station Bamhanidih, District Janjgir-Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh The Station House Officer, Police Station Bamhanidih, District Janjgir-Champa Chhattisgarh As Per Charge Sheet (Wrongly Mentioned As District Magistrate Janjgir, District Janjgir-Champa Chhattisgarh In The Impugned Order).

---- Respondent

For Applicant. : Mr. Punit Ruparel, Advocate.
For Respondent/State : Mr. B.L. Sahu, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19.03.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 55/2019 registered at Police Station – Bamhanidih, District- Janjgir-Champa (C.G.) for the offence punishable under Sections 302 & 201 of IPC.
2. In this case, applicant is the son of the deceased. The allegation against the present applicant, as per the prosecution case, is that, due to the old age and unnatural behave of the deceased, the applicant killed his father with the help of club. Based on that, after investigation, the offence has been registered and he has been arrested.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He next submits that the age of his father was about 75 years at

the time of incident and due to fall in sewerage, he sustained grievous injuries, subsequently, he died. The prosecution has framed a false and concocted story against the applicant only on the basis of suspicion and except memorandum and seizure of one club nothing is against the present applicant. The applicant is in jail since 11.10.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. Per contra, State counsel opposes the bail application submitting that blood-stained clothes and a club has been seized in the prosecution case, therefore, he may not be granted bail.
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, as applicant is in jail since 11.10.2019 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 surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

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

Vijay Sahu