

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1294 of 2020**

- Dilip Kumar Sahu S/o Sonsay Sahu, aged about 40 years, R/o B.G.R. Company, Kusmunda, Police Station Kusmunda, Tehsil Katghora, District Korba (C.G.).

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Kusmunda, District Korba (C.G.).

---- Respondent

For Applicant	:	Shri Dharmesh Shrivastava, Adv.
For Respondent	:	Shri Ayaz Naved, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****21/07/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.60/2019, registered at Police Station – Kusmunda, District Korba (C.G.) for the offence punishable under Section 302 IPC.
2. On 12.05.2020, during argument, the learned State counsel pointed out that the Crime No.111/2019 mentioned in the instant bail application is incorrect. The liberty was given to the counsel for the applicant to submit correct crime number of the offence, which he has submitted through e-mail mentioning the correct Crime No. as 60/2019.
3. The prosecution story, in brief, is that on 21.02.2019, the present applicant, due to enmity, assaulted the deceased by iron rod on his head as a result of which he sustained multiple injuries. Initially, the police registered the offence under Section 307 IPC and after the death of deceased on 25.04.2019, Section 302 IPC was added. The present applicant has been taken into custody on 21.02.2019.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the deceased remained in hospital from 21.02.2019 to 04.04.2019 and after 21 days, i.e. on 25.04.2019 he died, and therefore, no inference can be drawn that the death of deceased was as a result of assault made by the applicant. He also submits that the applicant is in custody since 21.02.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
5. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that the dispute between the applicant and deceased took place on account of cleanliness in which the applicant assaulted the deceased by iron rod on his head as a result of which deceased sustained as many as 11 injuries, and according to the postmortem report, the cause of death was head injury.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the present applicant is in custody since 21.02.2019, charge sheet has been filed, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge