

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1579 of 2020**

- Dhanukdhari Yadav, S/o Shri Bindeshwari Yadav, Aged about 45 Years, R/o Village Putsu, Police Station- Pasta, District Balrampur Ramanujanj, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Police Station Pasta, District Balrampur Ramanujanj, Chhattisgarh.

---- Respondent

For Applicant : Mr. Akath Kumar Yadav, Advocate.

For Respondent/State : Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.07.2020**

- The accused/applicant has moved his 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. 65/2019 registered at Police Station– Pasta, District- Balrampur- Ramanujanj (C.G.) for the offence punishable under Sections 302 and 201/34 of Indian Penal Code, 1860.
- According to the prosecution story, in the intervening night of 22/23.11.2019, the main accused person along with the present applicant have committed murder of the deceased Devsay, on 24.11.2019, FIR has been registered as a Crime No. 65/2019 at PS- Pasta offence punishable under Section 302 of IPC against only Ram Pratap Sao, after the incident police has arrested the main accused/Ram Pratap Sao, on the basis of memorandum of the Ram Pratap Sao, the applicant has been implicated in this case offence under Sections 302 and 201/34 of IPC.
- Learned counsel for the applicant submits that the applicant is innocent person who has been falsely implicated in the aforesaid case. He further submits that the applicant roped in the offence

due to enmity there is no direct evidence against the applicant. He next contended that the applicant is in jail since 24.11.2019, therefore, he may be granted bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, and further considering the fact that except memorandum of the co-accused persons nothing adverse against the applicant and the applicant is in jail since 24.11.2019 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.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Vasant