

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3178 of 2020**

- Rampratap Sao Gupta, S/o Shri Ghurasao Gupta, Aged about 35 years, R/o Village - Maharajganj, At Present - Kanda, Police Station Pasta, District - Balrampur - Ramanujganj Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant : Mr. Vivek Kumar Pandey, 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- Ramanujganj (C.G.) for the offence punishable under Sections 302 and 201/34 of Indian Penal Code, 1860.
- According to the prosecution story, the complainant Mansay informed to police station is that, one villager Ramji informed to him as to the deceased fell down in unconscious position near the Kanda School Road and registered the morgue and thereafter on the basis of memorandum of statement arrested the present applicant.
- Learned counsel for the applicant submits that the applicant is innocent person who has been falsely implicated in the aforesaid case, except hand gloves there is no incriminating articles seized from the applicant, which held him guilty for commission of offence punishable under Sections 302 and 201/34 of IPC. He further submits that before the date of incident, some hot talk

was going on between the deceased and the applicant and the complainant only on the basis of some dispute, made complaint against the present applicant. He next contended that the applicant is in jail since 26.12.2019, 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 hand gloves there is no incriminating articles seized from the applicant. The applicant is in jail since 26.12.2019 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