

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3292 of 2020

- Bandhan Nagesiya, S/o. Late Budhna Nagesiya, Aged about 22 years, Resident of Turidih, Kadmbhdarpara, Police Station Balrampur, District Balrampur-Ramanujganj, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Balrampur District Balrampur-Ramanujganj Chhattisgarh

---- Respondent

For Applicant	: Shri Sachin Nidhi, Advocate
For Respondent/State	: Shri Dinesh Tiwari, Dy. GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

23/06/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 189/2019 registered at police station Balrampur, district Balrampur-Ramanujganj (CG) for the offence punishable under Section 302 IPC.

As per prosecution case, the applicant has assaulted his father by kicks as a result of which he died after three days. It is alleged that father of the applicant was forcing him for second marriage as the applicant has no issues from the first marriage and out of anger, he assaulted him.

Counsel for the applicant submits that the applicant has been

falsely implicated in the case. He submits that there was no intention or motive and as per the statement of the wife of the deceased, the applicant has no motive to commit the murder of the deceased. He submits that the death was caused due to internal injuries that too, after three days of the incident. He further submits that the applicant is in jail since 07.10.2019; the charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnishing in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re: Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (C) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order

of this Court, but if he has not furnished the bail bonds earlier, then
he will be required to furnish bail bonds within four weeks' from today.

Sd/-

(Rajani Dubey)
Judge

suguna