

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3880 of 2020**

- Bhavesh Haldhar, S/o Balram Haldhar, Aged About 50 Years, R/o Mudigudapara, Village- Dhuragaon P.S. - Lohandiguda, District- Bastar (C.G.).

**---- Applicant****Versus**

- State of Chhattisgarh, through the Police Station- Bade Lohandiguda, District- Bastar (C.G.).

**---- Respondent**

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For Applicant : Mr. Raza Ali, Adv.

For Respondent/State : Mr. H.S. Ahluwalia, Dy. A.G.

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****17.08.2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this **second bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 46/2019 registered at Police Station- Lohandiguda, District- Bastar (C.G.) for the offence punishable under Sections 302, 457 of IPC.
4. The first bail application of the applicant was dismissed as withdrawn with liberty to renew the same after examination of panch witnesses vide order dated 16.01.2020 passed in MCRC No. 7622/2019 by this Hon'ble Court.
5. The prosecution story, in brief is that, it has been alleged that someone has attacked on the neck of deceased namely Gangaram Naag at mid-night through an axe and then he fled away. The deceased namely Gangaram in wounded condition, knocked the door of the room of her daughter and shouted that someone has attacked

on him, thereafter he has been taken to hospital. On 14.07.2019, during the course of treatment, he died. Thereafter, offence has been registered against the present applicant and he has been taken into custody.

6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the FIR has been filed against the unknown person and eye-witnesses who were examined have not stated anything against the applicant. In post-mortem report, the cause of death occurred due to head injuries. The applicant is in jail since 05.06.2019 and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
7. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the allegation against him is of serious in nature, therefore, no case is made out for grant of bail.
8. I have heard learned counsel for the parties and perused the case diary.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the eye-witnesses who were examined have not stated anything against the applicant. In post-mortem report, the cause of death occurred due to head injuries. The applicant is in jail since 05.06.2019 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.
10. 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**