

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4543 of 2020**

- Ganesh Yadav S/o Bihari Yadav, aged about 30 years, R/o Ward No.5, Chhuikhadan, Police Station and Tahsil Chhuikhadan, District Rajnandgaon (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through : Police Station Chhuikhadan, District Rajnandgaon (C.G.).

---- Respondent

For Applicant	:	Shri Abhishek Sharma, Adv.
For Respondent	:	Shri Rahul Jha, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****26/08/2020**

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.200/2019, registered at Police Station - Chhuikhadan, District Rajnandgaon (C.G.) for the offence punishable under Section 302 IPC.
2. The allegation against the present applicant is that on 04.08.2019, he assaulted his brother namely Golu @ Sanjay by means of axe as a result of which he died on the spot. Based on this, the offence has been registered. The present applicant has been taken into custody on 04.08.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that Bihari Yadav (PW/2), who lodged the FIR, and Dukhiya Bai Yadav (PW/1), eye witness to the incident, have not supported the prosecution case and turned hostile. He also submits that even memorandum and seizure

witnesses namely Manish Kochar (PW/4) and Sanjay (PW/9) have also not supported the case of the prosecution and turned hostile. He also submits that there are as many as 23 witnesses in the case and only 9 witnesses have been examined yet, the applicant is in custody since 04.08.2019, 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.

4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the preset applicant is in custody since 04.08.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. 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