

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4536 of 2020**

- Iswari S/o Shri Bharat Satnami aged about 36 years, Caste-Satnami, R/o Village-Jhalmala, P.S. Pipariya, Civil & Revenue District-Kabirdham, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - The Station House Officer, Police Station-Pipariya, Civil & Revenue District-Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P. M. Shriwas, Adv.
For Respondent/State	:	Ms. Sunita Jain, G. A.

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

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 150/2019 registered at Police Station Pipariya, District-Kabirdham (C.G.) for the offence punishable under Sections 294, 323, 506, 34, 302 of the IPC.
2. The prosecution story, in brief is that, the accused and victims are close relatives and on date 16.06.2019 at about 9:30-10:00 pm., quarrel/dispute has happened among the parties due to abusing by the Jagdish Satnami and during the course of that time applicant has assaulted to the victims with the bamboo stick, and then deceased Jagdish Satnami has received injury on his head and during the course of treatment he has died on 22.06.2019. Based on this offence has been registered against the present applicant.
3. 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 there is inconsistency in statement of the PW-5 (wife of the deceased) and turned

hostile. It is also submitted that PW-1 seizure witness of the case, has not supported the prosecution case before the trial Court. He also submits that the applicant is in jail since 23.06.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the PW-5 (wife of the deceased) and PW-1 seizure witness of the case have not supported the prosecution case before the trial Court. The applicant is in jail since 23.06.2020, 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.
7. 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**