

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4705 of 2020**

- Sanjay Kumar Gawde, S/o Shri Budhram Gawde, Aged About 34 Years, R/o Village- Jharripara Chowki- Dumkasa, Thana- Bhanupratappur, District- Uttar Bastar Kanker (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh, Through: Station House Officer, Police Station- Bhanupratappur, District- Uttar Bastar Kanker (C. G.).

---- Respondent

For Applicant	: Mr. Sunil Sahu, Adv.
For Respondent/State	: Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.09.2020**

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. 132/2019 registered at Police Station- Bhanupratappur, District- Uttar Bastar Kanker (C.G.) for the offence punishable under Section 302 of IPC.
2. The prosecution story, in brief is that it has been alleged that the present applicant assaulted the deceased by wooden block over some old disputes. Thereafter, offence has been registered against the present applicant and he has been taken into custody.
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 the charge-sheet has been

filed. The memorandum and seizure witnesses including the mother of the victim have not supported the prosecution case and turned hostile. He next added that the applicant is in jail since 23.07.2019 and 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 the submission made in this respect. It is submitted that on the basis of memorandum, wooden block has been seized from the possession of the applicant and the offence committed by the present 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, and further considering the facts that the memorandum and seizure witnesses including the mother of the victim have not supported the prosecution case and turned hostile. The applicant is in jail since 23.07.2019 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.
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**