

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4770 of 2020**

- Madhu Mangal Yadav @ Hadu son of Bramha Yadav, aged about 55 years, R/o Village Podagarh, Outpost- Balouda Thana Saraipali, District Mahasamund. (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station Saraipali, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant. : Mr. Vikas Pradhan, Advocate.
 For Respondent/State : Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01.09.2020**

1. The applicant has filed this first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 37/2020 registered at Police Station Saraipali, District Mahasamund (C.G.) for the offence punishable under Section 302 of the IPC.
2. As per the prosecution case, the allegation against the present applicant is that a dispute arose between the applicant and deceased and the applicant assaulted the deceased with the help of club due to which he died. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the deceased is cousin of the applicant

and due to personal dispute the deceased ran towards the applicant having a wooden club with intention to kill him and while defending himself, applicant snatched the wooden club and hit on the deceased. As the applicant is in jail since 04.02.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.

4. On the other hand, State counsel strongly opposes the bail application submitting that looking to the nature and gravity of the offence, applicant may not be granted bail.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the submission of the counsel, nature and gravity of the offence, facts and circumstances of the case, as applicant is in jail since 04.02.2020 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 said Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**