MCRC No. 5676 of 2020

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5676 of 2020

- Mukesh Yadav S/o Ramvishal Yadav Aged About 25 Years R/o Village Aachoti, District Durg Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh District Durg Chhattisgarh

---- Respondent

For Applicant Mr. Avinash Chand Sahu, Advocate
For Respondent/State Mr. Chandresh Shrivastava, Dy. AG

Proceedings through Video Conferencing

SB: Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

9/10/2020

1. Heard.

2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.63/2019 registered at Police Station Nandini Nagar, District Durg (CG) for the offence punishable under Sections 302, 34 of the IPC.

3. As per the prosecution case, deceased Awadh Ram along with Pooja, Ishwar Yadav and Dulari Yadav, were going on his

motorbike to village Lodhi. When they reached near the house of one Baratu at 8:30 p.m. on 8.3.2019, the applicant and co-accused Raju Yadav @ Sonu, who were waiting near a canal, obstructed their way and Raju caused injuries over the person of Awadh Ram by means of axe and immediately thereafter, he caused injuries to Pooja, for which, both of them died. Eye-witnesses Ishwar Yadav and Dulari Yadav have narrated the whole incident. However, they have not stated about any assault made by the present applicant over the person of both the deceased. The only allegation against the applicant is that he was exhorting the main accused Raju Yadav @ Sonu by saying "*Jaldi Se Maro*".

4. Considering the nature of allegations and quality of evidence against the present applicant, he deserves to be released on regular bail.

5. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

6. Certified copy as per rules. Sd/-

(Prashant Kumar Mishra)

Judge

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