

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5111 of 2020**

- Sushil Kujur son of Sant Ram, aged about 27 years, R/o Kathrapara, Police Station Pasta, District Balrampur-Ramanujganj (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Pasta, District Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicant	:	Shri Pushpendra Kumar Patel, Adv.
For Respondent	:	Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt Justice Rajani Dubey**Order on Board****17/09/2020**

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.45/2019, registered at Police Station - Pasta, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 304 IPC (as per challan).
2. The prosecution story, in brief, is that the present applicant has assaulted his wife in drunker condition as a result of which she died during the course of treatment. Based on this, the offence has been registered against the applicant. The present applicant has been taken into custody on 24.09.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the incident is of the year 2015 and the report has been lodged in the year 2019. The delay FIR has been lodged

against the applicant and, according to the postmortem report, no definite opinion regarding cause of death has been given. He also submits that the applicant is in custody since 24.09.2019, 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. Learned State counsel submits that there are two query reports of doctor and no definite opinion regarding death was given.
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 delayed FIR has been lodged, the applicant is in custody since 24.09.2019, 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge