

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5761 of 2019**

- Santosh Chand Rai, S/o Shri Parmanand Rai, Aged About 29 Years, R/o Sonbarsa, Police Station- Bihpur, District- Bhagalpur (Bihar).

---- Applicant

Versus

- State Of Chhattisgarh, Through: The District Magistrate Durg, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ganesh Ram Burman, Adv.
For Respondent/State	: Mr. Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.01.2020**

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. 385/2014 registered at Police Station - Jamul District - Durg (C.G.) for the offence punishable under Sections 302, 34 of I.P.C.
2. The prosecution story, in brief is that, on 03.11.2014, one Dayaram has lodged the report and stating that he is working as a guard on the Iron Factory and his duty time, at about 2.00 PM, machine driver Guddu Sharma has come and demanded an iron beat, thereafter he was entered in the office and saw that Raghu @ Raghunath was lying in the floor in deadly condition. Thereafter, 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 he is not a main accused and nothing has been seized from the possession of the applicant. The applicant is in jail since 17.05.2017, 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.
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 the applicant and further considering the facts that he is not a main accused. The applicant is in jail since 17.05.2017 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**