

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7179 of 2019**

- Manish Sahu S/o Premlal Sahu Aged About 24 Years R/o Rajmahal Colony, Ward No. 08, Kawardha, Police Station & Tahsil Kawardha, District Kabirdham Chhattisgarh....(In Jail)

---- Applicant**Versus**

- State of Chhattisgarh Through District Magistrate, Kawardha, District - Kabirdham Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Dharmesh Shrivastava, Advocate
For Respondent-State	:-	Mr. Akhtar Hussain, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****08/01/2020**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 378/2019 registered at Police Station - Kawardha, District Kabirdham (C.G.) for the offence punishable under Sections 294, 323, 324, 506, 34, 302 of the IPC.
- The prosecution story, in brief, is that on 19.08.2019

when complainant along with his brother-in-law Ishwari Sahu were sitting at Dinesh Patre's General Store chewing betel and tobacco, at the same time, applicant along with co-accused came there, said Ishwari Sahu to give some space and in the meantime some hot talk took place between them in which the applicant along with co-accused hurled abuses and assaulted Ishwari Sahu by hands and fists resulting his death on 03.09.2019 in hospital during the course of treatment. Based on this, offence has been registered. The present applicant has been taken into custody on 04.09.2019.

- 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 took place on 19.08.2019 and the deceased died on 03.09.2019. He had no intention to cause death of deceased. He also submits that the medical examination of the injured doesn't show any injury caused by any weapon and nature of injury was also not observed by the Doctor. Nature of death is also absent in the post mortem report. Next submission is that as the applicant is in jail since 04.09.2019, he is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Court, the present applicant may be released on bail.
- Per contra, State counsel strongly opposes the bail application of the applicant submitting that the present applicant and his friend are involved in commission of offence.

- I have heard learned counsel for the parties and perused the case diary.
- Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that deceased died after 14 days of incident, the applicant is in jail since 04.09.2019, charge sheet has been filed 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.
- 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