

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 7259 of 2019**

- Shahjad Hussain @ Chhotu S/o. Khadim Aged About 26 Years R/o. Village Sirsi, Tahsil Bhaiyathan, District Surajpur Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police of Police Station Jainagar, District-Surajpur Chhattisgarh.

---- Respondent

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| For Applicant | : | Mr. Anil Gulati, Advocate. |
| For State     | : | Mr. Wasim Miyan, PL        |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****07/01/2020**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing his on regular bail during trial in connection with Crime No. 150/2019 registered at Police Station – Jainagar, District Surajpur (C.G.) for the offence punishable under Sections 302 & 201 of IPC.
- As per the prosecution story, in brief, a merg-intimation was lodged by Mahendra Kumar Rajwade alleging in that a dispute arose among present applicant, Sahjaad Husain @ Sonu, Vikky Sharma and deceased Mahendra Rajwade near the under construction building of Abhishek Singh @ Piyush. On that, present applicant along with other co-accused persons assaulted on deceased Mahendra Rajwade, due to that, he died. On the basis of above facts, offence has been registered against the applicant and he has been arrested.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that the main allegations are against main accused namely Shahjad Hussain @ Sonu and during investigation, memorandum of Shahjad Hussain @ Sonu was recorded and if the entire memorandum statement of Shahjad Hussain @ Sonu is taken as it is, there is no role attributed by the applicant in the crime in question. As the applicant is in jail since 01.10.2019 and he is ready to furnish adequate surety and shall abide by all the directions and conditions which may 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 was also involved in assaulting the deceased, which is grave in nature.
- I have heard learned counsel for the parties.
- 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 fact that except memorandum of main accused Shahjad Hussain @ Sonu nothing else is against the present applicant. As 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