

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7665 of 2019**

- Devprasad, S/o Sularsai, Aged About 19 Years, R/o Village Chorkidieh Sarnapara Thana and Tahsil Lundra, District-Surguja Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through The Station House Officer Police Station- Lundra, Distt.- Surguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Adv.
For Respondent/State	: Mr. B. L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06.03.2020**

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. 100/2019 registered at Police Station- Lundra, Distt.- Surguja (C.G.) for the offence punishable under Section 302 of I.P.C.
2. The prosecution story, in brief is that, it is an allegation that on 16.08.2019 at about 8:00 PM, the present applicant assaulted the deceased by fist and stone as a result of which deceased died in the hospital. 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 the charge-sheet has been filed and there is no evidence against the present applicant except the memorandum and seizure of one stone and extra judicial confession before the police. The applicant is in jail since 20.08.2019, 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, and further considering the facts that the charge-sheet has been filed. The applicant is in jail since 20.08.2019 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**

Ruchi