

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8047 of 2019**

Santosh Lahare, S/o. Shri Dharam Lal Lahare, aged about 32 years, R/o. Village – Mekari,
Thana – Pamgarh, Civil & Revenue Distt. - Janjgir-Champa (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station :Pamgarh, Distt.
Janjgir-Champa (C.G.)

----Respondent

For Applicant	: Mr. Sunil Sahu, Advocate.
For Respondent	: Mr. Washim Miyan, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****28/01/2020**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 294/2019 registered at Police Station Pamgarh, Distt. Janjgir-Champa for the offence punishable under Sections 294, 506, 323, 302/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 29.06.2019 complainant Birendra Kumar Banjare, who is brother of deceased – Hemlal Banjare, lodged and FIR against Vijay Kurre and their friends stating *inter alia* that when on 28.06.2019 he went to Liquor shop for drinking liquor, some trivial dispute has been arose between them and at that time he and his brother Hemlal Banjare came there and tried to intervene the matter, as a consequence the present accused/applicant has assaulted him and his brother – Hemlal Banjare, as a result of which he (complainant) sustained multiple injuries *whereas* complainant's brother Hemlal Banjare died during the course of treatment and thereby committed the aforesaid offences.

(3) Learned counsel appearing on behalf of the applicant submits that applicant has falsely

been implicated in the crime in question as there is no evidence available on record to connect the applicant with the crime in question. He further submits that the name of the applicant/accused did not mention in the FIR as well as the statements of the witnesses recorded under Section 161 of the Cr.P.C. He also submits that since complainant's brother – Hemlal Banjare died after five days of the incident, therefore, it cannot be said that he died due to the injuries sustained by him in the incident occurred on 28.06.2019. He also submits that the applicant is in detention since 06.09.2019; charge sheet has already been filed and the trial is likely to take some time for its final disposal and, therefore, the applicant is entitled to be released on bail.

(4) On the other hand, learned counsel for the State, opposes the bail application.

(5) Taking into consideration the nature and the gravity of the offences; quality of evidence adduced by the prosecution; and further considering the facts that applicant is in detention since 06.9.2019; charge sheet has already been filed; and trial is likely to take more time for its final disposal and no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one 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.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

