

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8371 of 2019**

- Narsingh Nirmalkar S/o Shri Siyaram Nirmalkar Aged About 58 Years R/o Gitkesh, P. S. Palari Baloda Bazar District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station Palari District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Avinash K. Mishra, Adv.
For Respondent/State	:	Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04/02/2020**

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. 447/2019 registered at Police Station-Palari, District - Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 306 of the IPC.
2. The brief facts of the prosecution, is that, before the date of incident the applicant lodged a written report that Nankuram (deceased) snatched the mobile of applicant and on being searched the applicant and his friends were found that the Nankuram (deceased) was theft the mobile of the applicant and on being enquired deceased threatened the applicant and said that he will burn his shop. Subsequently, deceased burned shop of the applicant thereafter, applicant made a complaint to the police when the police enquired to the deceased he stated that he himself consume liquor with mixing pesticide, deceased vomited in the police van and told the police personnels that, he consumed liquor with

pesticide, on this immediately, police personnel admitted the deceased in the hospital but lastly on 12.11.2019 he was died. Based on this, 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 applicant is in jail since 18.11.2019, 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, detention period of applicant and further considering the facts that the present applicant is in jail since 18.11.2019 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