

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2815 of 2021**

- Rajendra Shau @ Raja S/o Umashankar Sahu Aged About 30 Years R/o Jhoparpatti Vishrampur, Police Station Vishrampur District Surajpur Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant : Mr. Rahul Agrawal, Advocate

For Respondent/State : Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****01.07.2021**

1. This is the Second Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 09.06.2020 in connection with Crime No.97/2020 registered at Police Station- Vishrampur, District Surajpur for the offence punishable under Sections 302, 201 and 34 of I.P.C.
2. As per the prosecution case, on 07.06.2020 when Rajesh Bargha along with his friends Tiggu alias Govinda Das, Sandeep Tigga, Rajendra alias Raja Sahu and Bholu alias Rajkamal were consuming liquor at that time Ajay Bargha (the deceased) came there and thereafter some altercation took place and subsequently Rajesh Bagha assaulted with club to Ajay Bargha (the deceased) and others also joined and assaulted with hand and fist eventually he died due to injury.
3. Learned counsel for the applicant submits that the first bail application was dismissed as withdrawn on 05.01.2021 with liberty to repeat the same after

examination of Raju Yadav and now he has been examined and he has not accepted anything before the Court and has turned hostile. Therefore, no allegation is attributed to the present applicant, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the statement of Raju Yadav and statement under Section 164 of the Cr.P.C., I am inclined to release the applicant on bail. The observation made herein shall not be considered on merits and the Trial Court would be free to evaluate the evidence on its merits along with other available evidence.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in 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 by the said Court.

Sd/-
(Goutam Bhaduri)
Judge