

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8365 of 2020

- Prem Aadbang S/o Shri Bhayo Aadbang Aged About 20 Years R/o - Bhave Nagar Raipur (Chhattisgarh), Present Resident B.S.U.P. Colony, Kathadih, P.S. - Mujgahan, Tahsil And District - Raipur (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through - District Magistrate Raipur (Chhattisgarh).

---- Respondent

For Applicant	-	Shri Badruddin Khan, Advocate.
For Respondent	-	Shri Ayaz Naved, Government Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

18/02/2021

1. The applicant has preferred this bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.23/2020, registered at Police Station: Mujgahan Sejbehar, District Raipur (C.G.) for the offences punishable under Section 302, 34 of the Indian Penal Code.
2. The applicant along with co-accused Rajesh, Mohsin & Aadang assaulted the deceased by hands and fists on or about 17.1.2020 due to which he sustained injuries and was taken to Bengali quack on 18.1.2020. The deceased succumbed to the

injuries on 19.1.2020. Cause of death is asphyxia due to neck compression.

3. It is said that the accused persons assaulted the deceased as they suspected him to be involved in the theft of goat. There is no eyewitness to the crime. The only evidence is of oral dying declaration made to the Constable Ashwini Kumar Kurrey. His mother Sheetal Dhruv was first examined by the police on 20.1.2020, but she did not reveal anything against the applicant. In her subsequent diary statement dated 20th March, 2020, she disclosed that the present applicant and co-accused persons are involved in committing offence, as was informed to her by the deceased.
4. Considering the quality of evidence against the applicant and for the fact that he is in jail since 11.11.2019 and charge sheet has already been filed, I am inclined to release the applicant on bail.
5. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount 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/-

(Prashant Kumar Mishra)
Judge