

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8526 of 2020**

- Ajit Kumar Toppo S/o Shri Aloice Toppo Aged About 36 Years, Caste Uraon, Resident Of Village Sarhari (Patrapara) Police Station And Tehsil Pratappur, District Surajpur, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. Sushil Dubey, Adv.
For Respondent/State	:	Mr. Udhaw Sharma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/03/2021**

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. 118/2020 registered at Police Station-Pratappur, District - Surajpur (C.G.) for the offence punishable under Sections 302, 201 of the IPC and 25, 27 of Arms Act.
2. The prosecution story, in brief is that, a merg intimation was lodged by complainant Laxmi Prasad and on the basis of that, during course of investigation it is found that the applicant trying to snatch knife to deceased Brij Kumar, and due to anger the applicant assaulted to the deceased with knife, resulted which deceased sustained injuries. During the investigation it is also pointed out that dead body of the deceased laying down at Khorma Road. 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 in the medical report of the dead body cause of death is hemorrhage i.e. due to loss of blood, but the doctor did not give any specific opinion as the cause of death whether homicidal or accidental. He next submits that the cause of death is uncertain and the applicant is in jail since 21.07.2020, 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 and submits that the applicant did a serious offence; therefore, he may not be released on bail.
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 in the postmortem report of the deceased nature of death is uncertain and the applicant is in jail since 21.07.2020 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**