

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8152 of 2021

- Ashok Kumar Singh S/o Late Devnath Ram Aged About 22 Years R/o Village Jaipur , Police Station Darima , District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant.

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Darima, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant : Mr. Nishikant Sinha, Advocate.

For Respondent/State : Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajni Dubey
Order On Board

01.11.2021

This first application under Section 439 of the Code of Criminal Procedure has been filed by the accused/applicant, who is languishing in jail since 18.06.2021 in connection with Crime No. 87/2021 registered at Police Station Darima, District Surguja for the offence punishable under Section 294, 506, 323 & 302 IPC.

2. The prosecution case in nutshell is that on 29.05.2021 the deceased got bewildered and knocked the door of the applicant who on account of suspicion of her being a burglar slapped her and made her sit outside. Thereafter, on 03.06.2021 she was hospitalized and met her end on 04.06.2021 while being under treatment.

3. Learned counsel for the applicant submits that the

applicant has been roped in a false and fabricated case and therefore, he may be set at liberty by granting bail. He further submits that the incident is said to have taken place on 29.05.2021 but himself died on 04.06.2021 and thus it cannot be said that his death was the direct outcome of the act of the applicant, particularly, when he was already having an accidental injury on his leg. He submits that the applicant would abide by all terms and conditions imposed on him while granting bail.

4. Learned State counsel however puts forth his vehement opposition to the prayer for bail.

5. Having heard counsel for the parties, taken into consideration the facts and circumstances of the case and also keeping in mind the fact that the death of the deceased ensued about 6 days after the incident as alleged, this Court is of the opinion that the accused/applicant is entitled for bail. Accordingly, the application is **allowed** and it is directed that on applicant's furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety to the satisfaction of the concerned Court, he shall be released on bail. The applicant however, shall ensure his appearance before the trial Court as and when so directed, till the disposal of the case. Order accordingly.

Sd/-
(Rajni Dubey)
Judge