

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 119 of 2021**

- Hemant Das, S/o Shri Narhari Das, Aged About 20 Years, Residence Of Bajrang Ward No. 48, Dharampura Jagdalpur Police Station- Kotwali, District- Jagdalpur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station- Kotwali, District- Jagdalpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Avinash K. Mishra, Adv.
For Respondent/State	: Mr. R.K. Sahu, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.02.2021**

1. The accused/applicant has moved this **second bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 185/2019 registered at Police Station- Kotwali, District- Jagdalpur, (C.G.) for the offence punishable under Section 302, 34 of IPC.
2. Earlier, the first bail application of the applicant was dismissed as withdrawn vide order dated 23.01.2020 passed in MCRC No. 5880/2019 by this Court.
3. The prosecution story, in brief is that, it has been alleged that on 14.04.2019, the deceased namely Gagra Ram Baghel, Home Guard was deputed for guidance of rally. According to allegation, quarrel took place between accused persons and the deceased and they started beating the deceased, due to which, deceased fell on ground and suffered some injuries on head. During treatment, he died in hospital. Based on this offence has been registered against the applicant and other co-accused persons.
4. 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 deceased himself stated that ENT bleeding injury was sustained by him upon "self fall" which shows in OPD Ticket and Admission Ticket of Lt. B.R.K. Memorial Medical College & Hospital Dimrapal, Jagdalpur. It is submitted that the present applicant is not a main accused person and he is in jail since 17.04.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail.
6. I have heard learned counsel for the parties and perused the record.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the applicant is in jail since 17.04.2019 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.
8. 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**

Ruchi