

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9776 of 2021

- Rajju Sahu S/o Shri Kalesh Sahu Aged About 19 Years R/o Gokul Nagar, Gali No.05, In front of Disha College, Gudiyari, Raipur, District Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, P. S. Maudhapara, Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mr. C. R. Sahu, Advocate
Mr. Gurudev I. Sharan, GA

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

21/12/2021

1. The applicant has preferred this first bail application under Section 439 of CrPC for grant of regular bail, as he has been arrested in connection with Crime No.89/2021, registered at Police Station Maudahapara, District Raipur for the offence punishable under Section 302/34 of IPC.
2. The case of the prosecution in brief is that on 06.07.2021 at about 15:45 pm, the applicant along with other accused persons assaulted Jivan Lal Patel, as a result of which he sustained injuries and thereafter he died, therefore, the aforesaid offence has been registered against the 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 the on the date of incident, the applicant along with other accused persons went to Canteen at Mekahara, Raipur and demanded vegetables from the deceased Jivan Lal Patel and on refusal, quarrel took place and the deceased himself brought an axe to assault the accused persons and in such quarrel, the accused snatched the axe from the hand of the deceased and assaulted the deceased from the same axe, as a result of which Jivan Lal Patel died. It is also argued that for the club seized from the applicant, the doctor opined that no such injury was caused from such club in the body of the deceased, therefore, it is prayed that the applicant, who is in jail since 08.07.2021, may be released on bail.
4. Per contra, learned State counsel opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, genesis of the incident, role of the accused and period of detention, without commenting anything on the merits of the case, this Court finds fit that the applicant be enlarged on bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of ₹ 10,000/- with one surety in the

like sum to the satisfaction of the concerned Court for his appearance as and when directed, subject to following conditions:

(I) The applicant shall furnish a coloured passport size photograph and also a copy of the Aadhar Card before the Trial Court at the time of bail, which shall be verified from its original by the trial Court.

(II) The applicant shall furnish a specific undertaking that while on bail, he will not commit any offence of the same nature, otherwise the bail granted to him shall be liable to be cancelled and shall cooperate the prosecution during trial.

(III) The accused/ applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

(IV) The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
Deepak Kumar Tiwari
Judge