

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5800 of 2023**

- Omprakash S/o Sukhlal Chandra Aged About 29 Years R/o Village Tushar, Police Station And Tehsil Jaijaipur, District Sakti, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Jaijaipur, District Sakti, Chhattisgarh.

---- Respondent

For Applicant	:	Shri T. K. Jha, Advocate
For State	:	Smt. Usha Chandrakar, P.L.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order On Board****31/08/2023**

1. This is the first bail application filed u/s 439 of Cr.P.C. for grant of regular bail to the applicant who has been arrested in connection with Crime No.67/2020 registered at Police Station Jaijaipur, District Sakti (CG) for the offence punishable under Sections 294, 506, 323, 324, 147, 148, 149, 304 of IPC.
2. As per the prosecution case, on 14.06.2020, complainant Chhotelal lodged a report alleging that the applicant and other co-accused came to house at about 7 p.m. hurling obscene abuses on the matter of money and threatening to kill him, Boatlal Chandra assaulted his father with a Tangi on his head. It is alleged that when the complainant went to rescue, Boatlal and co-accused assaulted him. It is alleged that on 17.06.2020, the father of complainant died on account of the injuries sustained by him. Based on this, offence under the aforesaid sections has been registered against the applicant and other co-accused.

3. Learned counsel appearing for applicant submits that the applicant has been falsely implicated in this case. He submits that the applicant is not named in the FIR as he is not the main accused and the main accused is Boatlal Chandra. He submits that charge sheet has been filed, applicant is in jail since 27.07.2023 and there is no likelihood of the trial to be concluded at the earliest, therefore, prays for the applicant to be released on bail.
4. State counsel, on the other hand, opposing the bail application submits that considering the gravity and nature of offence, the applicant does not deserve to be released on bail.
5. Heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the entire facts and circumstances of the case, particularly the fact that the main accused is Boatlal Chandra, according to the expert opinion the cause of death is cardiac arrest, the applicant is in jail since 27.07.2023 and there is all possibility of the trial taking sometime for its final conclusion, this Court is of the opinion that prima facie, a case for grant of bail to the applicant has been made out.
7. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. The applicant is directed to appear before the trial Court on each and every date to be given to him by the said Court till completion of the trial.

Sd/-
(Sanjay Kumar Jaiswal)
JUDGE