

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5622 of 2015

Ramjan Ansari S/o. Niyamat Ansari, Aged About 50 Years, R/o. Village - Gumhariya, Police Outpost - Vijay Nagar, Police Station - Ramanujganj Civil District - Surguja at Ambikapur & Revenue District - Balrampur Chhattisgarh

---- Applicant

Versus

The State of Chhattisgarh, Through: Police Station- Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K.Prasad, Advocate

For Respondent : Mr. Om. P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.76/2015 registered at Police Station- Ramanujganj, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 302 of IPC.
2. Case of the prosecution is that on 13.06.2015 on a dispute over grazing of the cattle, the applicant started altercation with the deceased and when the dispute is aggravated the applicant assaulted the deceased Ramjan whereby he fell down and subsequently he died; thereafter, on investigation the charge sheet has been filed.
3. Learned counsel for the applicant submits that in this case the intention can be gathered as the dispute arose out of the petty altercation between the parties and only the slap was made by the applicant to the deceased which cannot be come within the

definition of murder as the intention and offence has gathered that it cannot be attributed to a culpable homicide. He referred to the post mortem report wherein the Doctor has stated that the death was due to shock and it was natural due to cardio respiratory; therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact, the way, the nature and background of offence when it was committed as the dispute was aggravated while grazing of cattle and the applicant slapped the deceased. Further, taking into account the post mortem report and the fact that the charge sheet has been filed, without any observation on merit, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the concerned trial Court. He is directed to appear before the trial court on each and every date given by the said Court.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge