

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2370 of 2016

- Badrika Das S/o Bhaggu Das Panika Aged About 43 Years R/o Village Sonsh, Police Station Khadgawa, Civil & Revenue District Korea Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Of Police Station - Khadgawa, District Korea Chhattisgarh

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/06/2016

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.170/2015 registered at Police Station- Khadgawa, District - Korea (C.G.) for the offence punishable under Section 302 of Indian Penal Code.
2. As per case of the prosecution, on 06.10.2015 the applicant along with deceased Sundardas had consumed liquor thereafter they entered into scuffle thereby the deceased was assaulted by the applicant with hands and fists subsequently he died.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and there was no intention to kill the deceased, therefore, applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents.

6. On perusal for the documents and contents of the statements of the eye-witnesses show that the applicant has assaulted the deceased various times on his chest.
7. Considering the statements of the eye-witnesses, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge

chandra