

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4573 of 2016

- Lekhram Verma S/O Khorbahara Aged About 40 Years R/O Village Surajpur, P.S. Bhatapara, District Baloda Bazar - Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station Bhatapara, District - Baloda Bazar - Bhatapara Chhattisgarh

---- Respondent

For Applicant : Mr. Tarendra Kumar Jha, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-8-2016

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 on 29-02-2016 in connection with Crime No. 42 of 2016, registered at Police Station Bhatapara, District Baloda Bazar Bhatapara (CG) for the offence punishable under Sections 302/34, 323/34 of the IPC.
2. Case of the prosecution, in brief, is that on 28-2-2016 at about 8.15 pm present applicant asked money from deceased Santosh Pal to consume liquor, thereafter he was joined by other co-accused Rakesh Verma, then altercation took place between them and Rakesh Verma assaulted the deceased Santosh Pal on his head by way of brick as a result of which he sustained grievous injury and subsequently died and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that as per statement of Anil Pal, brother of the deceased, entire allegations have been attributed to main accused Rakesh Verma and no role has been attributed to the present applicant. He would further submit that charge-sheet has been filed in this case and the applicant is in jail since 29-2-2016, therefore, the applicant may be enlarged on bail.
4. *Per contra*, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of Anil Pal, brother of the deceased wherein entire allegations of dispute have been attributed to co-accused Rakesh Verma.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and also the fact that charge-sheet has been filed, the applicant is in jail since 29-2-2016 and also further considering the statement of brother of the deceased, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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 for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju