

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3392 of 2016

- Jefeniyus Kerketta S/O Shri Stefan Kerketta Aged About 55 Years Caste Uranv, R/O Village Itarikala (Teletola), Police Station Chando, District Balrampur Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chando, District Sarguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. R.S. Soni, Advocate

For Respondent/State : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.07.2016

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 10-10-2015 in connection with Crime No. 29 of 2015, registered at Police Station Chando, District Balrampur – Ramanunjanj (CG) for the offence punishable under Section 302 of the IPC.
2. As per case of the prosecution, in the intervening night of 24 & 25-09-2015 deceased Dipak who is son of the applicant after consuming liquor was abusing his father, thereafter he was taken to the house of Bigan Bhuihar and while they were returning from the house of Bigan Bhuihar, deceased slapped his father and in turn his father also slapped his son, but he fell down and sustained injury on his head as a result of which he died, therefore, the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that there was no intention of the applicant to kill his son and the

incident happened when the deceased slapped his father and in turn his father also slapped his son, but he fell down and sustained injury on his head, therefore, the applicant has not committed the offence of murder. He would further submit that charge-sheet has been filed in this case, no further investigation is necessary and the applicant is in jail since 10-10-2015, therefore, he may be enlarged on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail
5. I have heard learned counsel for the parties, have also perused the case diary and the documents and also post-mortem report which shows that the deceased sustained one injury on his head.
6. Taking into consideration all the facts and circumstances of the case, charge-sheet has been filed in this case, the applicant is in jail since 10-10-2015 and considering the post-mortem report which shows that the applicant sustained one injury on his head, I am inclined to release the applicant on bail.
7. 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