

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3500 of 2016

Harish Chandra, S/o. Dalel, Aged About 35 Years, By Caste Khairwar,
Occupation Agriculturist, R/o. Village Chapda, Police Station & Tahsil
Odgi, District Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Odgi, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sushil Dubey, Advocate

For Respondent : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.07.2016

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 in connection with Crime No.36/2016 registered at Police Station- Odgi, District Surajpur (C.G.) for the offence punishable under Section 316, 294, 323 & 506 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 26.04.2016 when quarrel was going in between the father-in-law of the victim and the applicant, at that time, the victim Fulkunwar tried to intervene and pacify both of them and during such scuffle the applicant pushed the victim by his elbow and the victim fell down which resulted into death of the preborn child and thereby the offence is committed.
3. Learned counsel for the applicant would submit that there was no intention of the applicant to cause such injury and the dispute was in between the father-in-law of the victim and the applicant and

since during such moment when the victim intervene without any intention she suffered push and fell down, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the background of the case, nature of allegation and gravity of offence and further considering the statement of the witness and pre-trial detention of the applicant, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge