

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5150 of 2016

- Smt. Sushma Toppo W/o Anand Kishore Toppo Aged About 40 Years (Wringly Mentioned As Lakra In Certified Copy), R/o Bhulsikala, Presently Residing At Amera, Police Station Shankargarh, District Balrampur Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Shankargarh, District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Amarnath Pandey, Advocate.
For Respondent	:	Mr. Anil. S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

05/09/2016

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 06/07/2014 in connection with Crime No. 72/2014 registered at Police Station-Shankargarh (C.G.) for the offence punishable under Sections 307, 302, 34 of IPC.
2. As per the prosecution case, one Sushil Lakra has been assaulted by his son – Deepak and the present applicant on the way at about 8:00 on 02/07/2014, when he was returning from his farm. They also assaulted the wife of deceased and thereby committed the offence.
3. Learned counsel for the Applicant would submit that the statement of Niman Rashi (Complainant), wife of the deceased, would reveal that the applicant has not assaulted the deceased and only assault was made by Deepak and in the whole incident, she was not present in person. It was further submitted that the statement of Smt. Mejhren Xalxo, Smt. Sushila Lakra, and Smt. Manaj Paikra have been recorded but they have not alleged any allegations against the present applicant and the allegation has been attributed on the Deepak only.
4. Learned State Counsel opposes the bail application.

5. Perused the documents and the evidence of the witnesses.
6. Considering the facts and circumstances of the case and particularly considering that the allegation has only been attributed on the Depak, I am inclined to allow the present bail application filed by the applicant.
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 furnishing a personal bond for a 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