

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5965 of 2016

- Simanchal S/O Udiyo Vinayat Udiya Aged About 36 Years R/O. - Chhattarpur, Police Station -Chhattarpur - District - Ganjam (Orissa). At Present R/O - Haldibadi No. 04, Aamanala, Chirmiri, Tahsil - Khargawan, Civil & Revenue District & District Korea - Baikunthpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Police Station - Chirmiri, Tahsil - & Civil & Revenue District Korea - Baikunthpur Chhattisgarh

---- Respondent

For Applicant : Mr. Jameel Akhtar Lohani, Advocate

For Respondent/State : Mr. Luv Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04-10-2016

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 1-5-2016 in connection with Crime No. 142 of 2016, registered at Police Station Chirmiri, District Korea (CG) for the offence punishable under Sections 294, 506-B, 323, 307/34 of the IPC and Sections 25 & 27 of the Arms Act.
2. Case of the prosecution, in brief, is that on 29-4-2016 the applicant along with other co-accused persons namely Gouri Pradhan, Uttam Pradhan and Pintu went to attend the marriage reception of the son of Sewwanlal wherein some dispute took place over playing of DJ songs with one Pradeep Singh. During such altercation, being aggravated, the applicant went to the house and thereafter by way of sword assaulted the victim Pradeep Singh on his neck and front

chest which were enough to cause his death and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that there is no *mens rea* as dispute arose over a trivial issue made by playing of DJ songs in the marriage reception. He would further submit that the injuries sustained by the victim were not fatal which are sufficient to cause death. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 1-5-2016 and no further investigation is required, therefore, he may be released 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, perused the case diary and documents including the statement of the victim.
6. Taking into consideration the facts and circumstances of the case and further considering the nature of dispute which is aggravated in a marriage reception and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 1-5-2016, this court is 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

