

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7287 of 2016

1. Harvind Tirky, S/o. Prakash Tirky, age 20 year, Caste- Uranw, R/o. Village-Kerachhar, Mohalla – Pakpani, Thana & Tah. - Pathalgaon, District – Jashpur, Civil and Revenue District – Jashpur (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Police Station – Pathalgaon, District – Jashpur (C.G.)

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate
For Respondent/State : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/11/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.185/2016, registered at Police Station – Pathalgaon, District – Jashpur (C.G.) for the offence punishable under Section 307 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was lodged by one Jitan Tirkey that the applicant, who is also related to the complainant over a land dispute, the applicant along with another one Kishore Tirkey assaulted them by way of Axe on their head. Thereby both the complainant Jitan Tirkey and Robert Tirkey sustained severe injuries which were enough to cause death. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that there was no intention to kill and a dispute arose between the family members

over a land and the medical report also shows that if they have not been treated, it would have been dangerous to life. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 05.08.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the victim, Jitan Tirkey and Roberty Tirkey as also the medial report, which shows that no bonee injury was caused. Considering the background of the case and the way it happened in between the relatives and the fact that charge-sheet in this case has been filed, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge