

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7725 of 2016

Pawan Sai, S/o. Amarsai Yadav, Aged About 60 Years, R/o. Tilaidand,
Police Station- Bango, District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Bango, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Aditya Khare, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/12/2016

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.70/2016 registered at Police Station- Bango, District Korba (C.G.) for the offence punishable under Section 302, 201/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 29.06.2016 a dispute took place in between the deceased Satrugan Yadav and Urmila Bai as the deceased Satrugan after consuming liquor has abused and thereafter the present applicant and other co-accused caused assault to the deceased, thereby he died. It is alleged that the present applicant assaulted the deceased by way of hand and fist.
3. Learned counsel for the applicant would submit that the present applicant has assaulted by way of hand and fist which too also on the basis of memorandum and there is no eye-witness. He further submits that the charge sheet has been filed and no further

investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the memorandum statement of Omprakash, the other co-accused. Considering the facts and circumstances of the case, role attributed to the present applicant and the fact that there is no eye-witness, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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