

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7779 of 2016

- Kulnath Singh S/o Rampyari Singh Aged About 28 Years Caste-Rautiya, R/o Village Dholduba, Police Chowki- Lodam, Police Station Jashpur, District Jashpur, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Incharge, Police Chowki- Lodam, Police Station Jashpur, District Jashpur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. J.K. Saxena, Advocate.

For Respondent/State : Mr. Arvind Shukla, 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 on 29-9-2016 in connection with Crime No. 204 of 2016, registered at Police Station Police Chowki- Kodam, PS Jashpur, District Jashpur (CG) for the offence punishable under Sections 294, 506-B, 323 & 307 of the IPC.
2. Case of the prosecution, in brief, is that on 19-8-2016 a report was made by the complainant Manhar Singh that on 18-9-2016 while his son namely Laxman Singh was returning from field, due to previous animosity, the applicant assaulted him by way of axe which was sufficient to cause death.
3. Learned counsel appearing for the applicant would submit that the injured was examined on the next day i.e., on 19-9-2016 and all the injuries were reported to be simple in nature. The altercation

started on a trivial issue and there was no intention to kill the injured. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 29-9-2016 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 other documents
6. Perused the statement of the injured and medical report wherein injuries were reported to be simple in nature.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the injured and medical report and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 29-9-2016, this court is inclined to release the applicant on bail.
8. 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