

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7798 of 2016

- Tirupati Suryawanshi, aged about 21 years, s/o. Narayan Shankar, r/o. Suryawanshi Mohalla, Saragaon, PS Saragaon, District Janjgir-Champa (CG) --- **Petitioner.**

Vs.

- State of Chhattisgarh, through SHO PS Saragaon, District Janjgir-Champa (CG). – **Respondent.**

For Applicant : Mr. Anup Majumdar, Advocate

For Respondent/State : Mr. Anant Bajpai, 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 1-8-2016 in connection with Crime No. 63 of 2016, registered at Police Station Sarangaon, District Janjgir-Champa (CG) for the offence punishable under Sections 294, 506, 323, 302, 34 of the IPC.
2. Case of the prosecution, in brief, is that on 10-7-2016 while deceased Mohar Lal coming back to his house after answering the call of nature, he met Onkar Suryawanshi and Bojram Suryawanshi on the way at 10.30 pm and asked them as to why they were roaming, on such some altercation started and scuffle was also started between the parties and deceased was assaulted by hands and fists and wooden plank. Subsequently he was admitted to

hospital, he was operated and died on 30-7-2016 and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that initially FIR was lodged on 10-7-2016 under Sections 294, 506 and 323 of the IPC wherein applicant was not named and Onkar and Suryawanshi and Bhojram Suryawanshi were named. A report was made by Ramu Suryawanshi, father of the deceased and subsequently the applicant has been named in the statement of the complainant recorded under Section 161 of the Cr.P.C., and there is no *mens rea* in this case. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 1-8-2016 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.
6. Perused the first information report and also memorandum statements wherein it is alleged that the applicant assaulted the deceased by way of hands and fists.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that initially the applicant was not named in FIR and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 1-8-2016, 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