

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 151 of 2017

Hemant @ Golu Giri, S/o. Bhagirathi Giri, Aged About 27 Years, R/o. Village- Chhindbhog, Police Station- Pathariya, District- Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Pathariya, District- Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mrs. Kiran Jain, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/02/2017

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.246/2016 registered at Police Station- Pathariya, District Mungeli (C.G.) for the offence punishable under Section 302 read with 34 of the Indian Penal Code.
2. As per the prosecution case, on 15.08.2016 one Dilan Yadav was moving on his motorcycle alongwith one Guruji and when they reached at certain spot, at that time, the deceased Milan Yadav came there and asked Dilan Yadav why he was giving company to Guruji and roaming in the motorcycle as he used to lodge report against him being insane. On such issue, an altercation started and subsequently, Dilan, Omprakash and Hemant, the present applicant, came into spot and assaulted Milan Yadav by hand and fist and one Omprakash assaulted by way of a Bamboo club.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and only allegation of assault by way of hand and fist is attributed to this applicant and the main allegation of assault is made against Omprakash, 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, documents, statement of eye-witness Ghasiram and also the post mortem report wherein the cause of death is due to head injury and fracture is also caused on the head by hard and blunt object. Considering the nature of allegation against the applicant as it is stated that he assaulted by way of hand & fist and the medical report, 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