

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 168 of 2017

1. Mithlesh S/o Dayal Suryavanshi, Aged About 50 Years R/o Village- Godadih, Police Out Post- Pachpedi, Police Station- Masturi, Tahsil- Masturi, District- Bilaspur Chhattisgarh.
2. Kailash @ Golu, S/o Mithlesh Suryavanshi, Aged About 25 Years R/o Village- Godadih, Police Out Post- Pachpedi, Police Station- Masturi, Tahsil- Masturi, District- Bilaspur Chhattisgarh.

---- **Petitioners**

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station- Masturi, District- Bilaspur Chhattisgarh.

---- **Respondent**

For Applicants : Mr. Govind Rm Mirri Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30-01-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 3-10-2016 in connection with Crime No. 381 of 2016, registered at Police Station Masturi, District Bilaspur (CG) for the offence punishable under Sections 294, 295, 323, 506, 307, 427, 34 of the IPC.
2. Case of the prosecution, in brief, is that on 2-10-2016 when Santosh Kenwat, Mantosh Kenwat, Dadu Kurmi and Deepak Pankaj were in Durga Pandal, over earlier altercation, present applicants came there and started destroying the light in the Durga Pandal which resulted into altercation and dispute. Applicant No.1 Mithlesh attacked by way of axe as a result of which Suraj sustained injury on the back side of the neck in the size of 2 cm x 1 cm x 1/2 cm which was sufficient to cause death and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the applicant has been falsely implicated in the case, offence under Section 307

of the IPC is not made out, the incident occurred over a trivial issue and there was no intention to kill him. He would further submit that the applicants and the injured entered into compromise, charge-sheet has been filed in this case, the applicants are in jail since 3-10-2016 and no further investigation is required, therefore, they 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 statement and medical report of the injured. Considering the statement and medical report of the injured and background of the case for which incident happened, It appears that the incident occurred over a trivial issue.
7. Taking into consideration the facts and circumstances of the case and further considering the statement and medical report of the injured and back-ground of the case and also the fact that charge-sheet in this case has been filed and the applicants are in jail since 3-10-2016, this court is inclined to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju