

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1160 of 2017

Shivprasad Khatkar, S/o. Mr. Pushuram Khatkar, Aged About 65 Years,
R/o. Village Tilaipali, Police Station- Sarsiwa, Tehsil & District Balodabazar
Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station- Sarsiwa, District
Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Ms. Supriya Upasane, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/03/2017

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.142/2016 registered at Police Station- Sarsiwa, District Balodabazar- Bhatapara (C.G.) for the offence punishable under Sections 323, 294, 325, 120(B), 307, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 13.08.2016, the complainant Bharat Lal while was going on his motor cycle to his house at that time near Tilaipali bridge two persons attacked and assaulted him by way of club and rod, thereby the offence has been committed, which was enough to cause his death.
3. Learned counsel for the applicant would submit that the applicant was not named initially in the FIR and subsequently in the statement of the eye-witness Siyaram also, the applicant has not

been named and only threat was given prior to the incident has been narrated, 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 statement of the victim and statement of the eye-witness Siyaram wherein the applicant has not been named. Taking into such fact, 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