

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1261 of 2017

- Kanta Prasad Yadav S/o Bairang Aged About 23 Years R/o Village-Bedmi, Tahsil- Odgi, Police Station- Ramkola, District- Surajpur, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station - Ramkola, District - Surajpur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. D. N. Prajapati, Advocate
For the Respondent	:	Mr. Anant Bajpai, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.03.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.27/2016 registered at Police Station Ramkola, Distt. Surajpur (C.G) for the offence punishable under Sections 147, 148, 149, 294, 506, 323, 307 of IPC.
2. As per the prosecution case, on 12.7.2016 complainant Tapeshe Kumar and his son Deep Narayan entered into dispute over taking possession of the land wherein the present applicant being aggravated, assaulted Tapeshe by way of Axe which was enough to cause death.
3. Learned counsel for the applicant would submit that the complainant Tapeshe has been examined before the court below and he has not supported the case of prosecution and his son Deep Narayan has also been examined and has not supported the case of prosecution, therefore, no case is made out against the applicant. He further submits that the

charge sheet has been filed and the applicant is in jail since 26.07.2016, therefore, he may be enlarged on bail.

4. Learned state Counsel is not able to dispute the fact that the complainant and his son have been examined and they have not supported the case of prosecution.
 5. Perused the statements of Tapeshe Yadav and Deep Narayan. Taking into consideration such statements, without any further observation on merits of the case, I am inclined to allow this bail application.
 6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**