

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1618 of 2017

- Krishna Jaiswal S/o Late Shri Premlal Jaiswal, Aged About 40 Years R/o Village Nagpur, P.S. Pondi, Tahsil Manendragarh, District Korea, Chhattisgarh. --- **Appellant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Pondi, District Korea, Chhattisgarh. --- **Respondent**

For the applicant	:	Mrs. Hamida Siddiqui, Advocate
For the State	:	Mr. Rahul Tamaskar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.06.2017

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. 158/2016 registered at P.S. Pondi, Distt. Korea (C.G) for the offence punishable under Sections 451, 307, 324, 506 of IPC.
2. As per the prosecution case, on 26.10.2016 Dharmajeet after closing his hotel was sleeping with his worker Kamal Ghosh. Thereafter at about 2.45 a.m., in the night the applicant came there, got the hotel opened and asked for food. Having said that the food is not available, the applicant got enraged and assaulted Kamal Ghosh and Dharamjeet by way of spade which was enough to cause death.
3. Learned counsel for the applicant would submit that on trivial issue the incident happened; the injuries were simple in nature except the fracture and there was no premeditated mind so as to cause death. He further submits that the charge sheet has been filed; no further investigation is necessary and the applicant is in jail since 28.10.2017.

4. On the other hand, learned State Counsel opposes the prayer.
5. Perused the case diary and the statement of witnesses including the injured. As appears, the incident happened on a trivial dispute. Considering the background of the incident and further looking to the period of custody of the applicant as he is stated to be in jail since 28.10.2016 as also the fact that the charge sheet has been filed in this 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 his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance as and when directed by the said Court.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
V. JUDGE**