

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1458 of 2017

- Raja Chawale S/o Late Shri Hariram Chawala Aged About 19 Years R/o Kansa Bahar, Police Station Chaal, Dharamjaygarh, District Raigarh, Civil & Revenue District Raigarh, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Police Station Chaal District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ajay Mishra, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-03-2017

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 on 12-1-2017 in connection with Crime No. 3 of 2017, registered at Police Station Chaal, District Raigarh (CG) for the offence punishable under Section 307 of the IPC.
2. As per prosecution case, on 11-1-2017 a report was made by one Dilip that present applicant who is his brother assaulted him by way of axe on his head as a result of which he sustained injury which was enough to cause his death and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the complainant is brother of the applicant and in the statement of the complainant recorded under Section 164 of Cr.P.C, it is stated

that during minor scuffle he fell down and there was no intention to kill him. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 12-1-2017 and no further investigation is required, therefore, he 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 of the complainant recorded under Sections 161 and 164 of the Cr.P.C and also medical report which shows that the nature of injury is simple.
7. Taking into consideration the facts and circumstances of the case, further considering the statement and medical report of the complainant and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 12-1-2017, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju