

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1648 of 2017

Omprakash Yadav, S/o. Shivsai Yadav, Aged About 22 Years, R/o. Gopalpur, Police Station- Darri, District - Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Bango, District- Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Aditya Khare, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/03/2017

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.70/2016 registered at Police Station- Bango, District Korba (C.G.) for the offence punishable under Section 302, 201/34 of Indian Penal Code.
2. As per the prosecution case, on 29.06.2016 a dispute took place in between the deceased Satrugan Yadav & Urmila Bai as the deceased after consuming liquor hurled abuses and started beating the family members including one Pawan Sai, which was objected by the other persons and the present applicant, who is nephew. Thereafter, the scuffle took place in between the deceased and other accused persons and the present applicant assaulted the deceased by way of a Club, thereby he died.
3. Learned counsel for the applicant would submit that there is no eye-witness and only on the memorandum statement of the applicant, the applicant has been inculpated. He further submits

that from the alleged seized Club, no blood stain was found and in any case, the case would not fall under Section 302 of I.P.C., 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 documents. The main allegation is attributed to the present applicant, who assaulted the deceased by way of a Club. Considering the same and the post mortem report, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge