

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8403 of 2016

Arun Kumar Rajwar, S/o. Lekhsai Rajwar, Aged About 39 Years, R/o. Girivarganj, Police Station Surajpur, District Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Surajpur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rakesh Pandey, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/01/2017

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.382/2016 registered at Police Station- Surajpur, District Surajpur (C.G.) for the offence punishable under Section 302, 323 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 15.09.2016 when Tejuram and Nanda were fighting, at that time, Uttam Sai, Tam Sai & Titar Sai tried to intervene, which was objected by the present applicant and the present applicant assaulted Tam Sai who tried to solve the dispute and given injury by way of fist & kick. Subsequently, Tam Sai died because of such head injury.
3. Learned counsel for the applicant would submit that neither the applicant has any motive nor any intention to kill, out of sudden provocation, the fight happened and the post mortem report also do not support the cause of death was due to the injury caused by

the present applicant, 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 statement of the eye-witnesses Uttam Sai and Titar Sai, which shows that while the deceased trying to intervene to console the dispute, the applicant assaulted him and subsequently the deceased Tam Sai died. Taking into such fact and the facts and circumstances of the case, 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