

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8383 of 2016

- Pachaki @ Bholu S/o Shri Badda Lakda, Aged About 45 Years Occupation Labour, R/o Village Lotan, Thana Kapu, Tahsil Dharamjaygarh, Civil & Revenue District Raigarh, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kapu, Civil & Revenue District Raigarh, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02-01-2017

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 on 30-9-2016 in connection with Crime No. 80 of 2016, registered at Police Station Kapu, District Raigarh (CG) for the offence punishable under Section 307 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by Vidhyadhar Yadav that on 19-9-2016 over a cattle entering into field of the applicant and grazing the crop, dispute occurred in between the applicant and injured Jaganatho Yadav and the applicant assaulted Jaganatho Yadav by way of stone and because of such incident injury was inflicted which was enough to cause death and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the injured was admitted in hospital on 20-9-2016 and was discharged from hospital on 22-9-2016. It is further submitted that fracture was found in one of the fingers 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 30-9-2016 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 other documents.
6. Perused the statement of injured Jagnatho Yadav.
7. Taking into consideration the facts and circumstances of the case, nature of injury and back-ground of the case and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 30-9-2016, 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 for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju