

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7335 of 2018

1. Fuljens Bhagat, aged about 28 years S/o Moharlal Bhagat,
 2. Manoj Bhagat S/o Raj Kumar Bhagat, aged about 25 years,
- Both are R/o village- Jambahar, Dhidhoriana, Police Station- Lailunga,
District- Raigarh (C.G.),

--- Applicants

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station-
Lailunga, Raigarh, District- Raigarh.

---- Respondent

For Applicants	:	Mr. Ashish Gupta, Advocate
For Respondent	:	Mr. Rajkumar Jaiswal, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

31/10/2018

1. The applicants have preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 66/2018 registered at Police Station- Lailunga (C.G.) for the offence punishable under Sections 302/34 of the IPC.
2. As per prosecution story, on 27/04/2018 one Sanju Bhagat made a report at P.S.- Lailunga, wherein it has been alleged that on 22/04/2018 at about 7:00 am, his father- Teejram was assaulted by both the applicants with hands and fists. Later on 26/04/2016, Teejram has died. On the basis of said report, offence has been registered and the applicants have been arrested on 30/04/2018.
3. Learned counsel appearing on behalf of the applicants submits that the

applicants are innocent and have been falsely implicated. There is no evidence on the record on the basis of which, any offence under Section 302/34 of the IPC is made out against the present applicants. He further submits that the death of the deceased is not a direct result of the quarrel happened between them, however, the deceased has passed away due to non-availability of proper treatment. Apart from this, there was no intention or knowledge of murder, therefore, considering this aspect, the applicants may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, further considering that the incident took place on 22/04/2018, the deceased died on 26/04/2018 and the FIR has been made on 27/04/2018, and further considering the fact that no weapon has been used in assault and only hands and fists has been used, without further commenting on merit of the case, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on each of them executing personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge