

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.1046 of 2020

Surendra Kumar Sahu, S/o Late Shri Dular Singh, Aged About 46 Years,
Resident Of Khairkatta, Police Station- Mangchuwa, District- Balod
Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station-
Mangchuwa, District- Balod Chhattisgarh **---- Respondent**

For Applicant	:	Shri B.P. Singh, Advocate
For Respondent/State	:	Shri Ravish Verma, Government Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/03/2020

Heard.

1. The applicant has been arrested in connection with Crime No.5 of 2019 registered at Police Station- Mangchuwa, District Balod (CG) for the alleged commission of offence under Section 294, 506-B, 323, 307 of IPC and Section 3(2)(v) of Scheduled Castes & Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution is that the applicant assaulted the victim on his head resulting in fracture. According to the prosecution, this was done with the intention of causing death.
3. Learned counsel for the applicant would submit that in the circumstances, in which, offence is alleged to have been committed as stated by the victim, does not prima facie make out a case of commission of offence under Section 307 IPC but under other Sections of IPC. He would submit that even according to the victim, when the applicant arrived at the spot, he was not holding any weapon and even according to the victim, the applicant picked up a pickaxe and assaulted. Only one injury was given. The applicant is in jail since 27.03.2019 and the trial is proceeding with snail's pace. Therefore, at this stage, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes the bail application and submits that the act of the applicant in picking up a picaxe and giving assault on head resulting in fracture injury, is prima facie indicative of applicant's intention to cause death.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the victim and also the submission that the applicant had come empty handed at the spot and had picked up a pickaxe to give one injury and that was not repeated and further taking into consideration that the applicant is in jail since 27.03.2019 and trial has not been concluded so far, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge