

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.3840 of 2020

Sukhdev Ram S/o Late Krishna Ram Aged About 22 Years Caste- Ghasi,
R/o Village Jurtela, Out Post- Lodam, P.S.- Jashpur, District Jashpur,
Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through- S.H.O., Out Post- Lodam, Police Station-
Jashpur, District- Jashpur, Chhattisgarh **---- Respondent**

For Applicant	:	Shri Pushkar Sinha, Advocate
For Respondent/State	:	Shri Ravish Verma, G.A.

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

Order On Board

25/08/2020

Heard.

1. The applicant has been arrested in connection with Crime No. 45 of 2020 registered at Police Station- Jashpur, District Jashpur (CG) for the alleged commission of offence under Section 307 of IPC.
2. Prosecution case is that the applicant had started quareling with one Sitalu Ram in his house because of a dispute relating to construction of house which was said to be constructed on the land of the applicant and at that time, when Tahlu Ram came in to intervene, the applicant assaulted him with the help of axe resulting in cut injury on the occipital part and injury on the thumb.
3. Learned counsel for the applicant would submit that the applicant is alleged to be quarelling not with Tahlu Ram but with Sitalu Ram and the injury is said to be inflicted on Tahlu Ram only when he tried to intervene therefore, it cannot be said that there was any intention to cause death. It is next submitted that the injury on the occipital part is not a major one and there is no fracture also. He would further submit that a counter case has also been registered on the report of the applicant against the injured. As investigation is complete and charge-sheet has been filed and there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses. At this stage, the applicant may

be granted bail as trial is not likely to commence early in the present situation.

4. On the other hand, learned counsel for the State opposes the prayer and submits that as per the FIR and the statement of the injured witness, when injured witness was trying to intervene in quarrel between the applicant and Sitalu Ram, the applicant, with intention to cause death, assaulted the injured with the help of an axe causing one injury on the occipital part. The applicant repeated assault resulting in another cut injury on the thumb of the victim.
5. Having considered the submission of learned counsel for the parties, circumstances of the case, nature of injury and that a counter case has been lodged by the applicant and that investigation is complete and charge-sheet has been filed, there was no fracture injury, 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.25,000/- 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.

Sd/-
(Manindra Mohan Shrivastava)
Judge