

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4852 of 2020**

- Ramprasad S/o Late Bhola Prasad Chakradhari, aged 38 year, R/o Sonvarsha, Kacharpara, P.S. Podi, District Koriya (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Podi, District Koriya (C.G.)

---- Respondent

For Applicant	:	Ms. Reena Singh, Adv. on behalf of Shri V.C. Ottalwar, Advocate.
For Respondent	:	Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt Justice Rajani Dubey**Order on Board****02/09/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.01/2020, registered at Police Station - Podi, District Koriya (C.G.) for the offence punishable under Sections 294, 506, 323, 324, 302 IPC and Sections 25 & 27 of Arms Act.
2. The prosecution story, in brief, is that on 06.01.2020 at about 7.30 PM, some quarrel took place between the applicant and his father Bhola Prasad in which the applicant assaulted his father by sickle kept in his house. When Budhan Bai, wife of deceased and mother of applicant & Khemraj, son-in-law of deceased, came there to pacify the dispute, the applicant also assaulted them hurling abuses in the name of mother and sister. On 17.01.2020, Bhola Prasad succumbed to his injuries. Based on this, offence has been registered. The present applicant has been taken into custody on 10.01.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further

submits that according to the MLC report dated 07.01.2020, the injuries sustained by the deceased were simple in nature. He also submits that the incident took place on 06.01.2020 and on 16.01.2020 he was admitted in hospital when his condition became critical and on 17.01.2020 he died. He also submits that no blood was found on the weapon of offence sickle seized by the police. It is next submitted that the applicant is in custody since 10.01.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that the eye-witnesses to the incident i.e. wife and son-in-law of the deceased have stated that the applicant assaulted the deceased by the base of sickle, and according to the postmortem report, the deceased died due to injuries and its complication.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, nature of injuries sustained by the deceased and further considering the fact that the applicant is in custody since 10.01.2020, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the disposal of trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge