

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 205 of 2021**

- Gedar @ Chhabi Ram, S/o Late Kalkatiya, aged about 25 Years, Residence of Village- Tatijhariya (Purvi), P.S.- Samri, District- Balrampur-Ramanujganj (Chhattisgarh).

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer - Samripat, District- Balrampur-Ramanujganj (Chhattisgarh).

----Non-applicant

For Applicant
For State

Mr. Sunil Tripathi, Advocate.
Dr. (Ms.) Veena Nair, Deputy AG.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****16/02/2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.30/2020 registered at Police Station Samripat, District Balrampur-Ramanujganj, C.G. for the offence punishable under Sections 302 and 201 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 23.07.2020, at around 5:00 pm there was dispute between the Kalkatiya (since deceased) with his son i.e. the present applicant over money and during this dispute, the Kalkatiya assaulted the present applicant with a club on his head as a result of which blood started oozing. The applicant pushed away his father Kalkatiya as a result of

which Kalkatiya fell down and died.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. There was no intention on the part of the applicant to kill his father. The applicant is in jail since 31.07.2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the contents of the FIR, the fact that the deceased first assaulted the applicant with club as a result of which he sustained lacerated wound over occipital region as per his MLC and it is only thereafter that the applicant pushed his father/deceased as a result of which the deceased fell down and sustained injuries, the manner in which the deceased sustained injuries, the detention period of the applicant, his age i.e. 25 years, charge sheet has already been filed and conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the

satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall not involve himself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh