

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1930 of 2021

Umendra Vishwakarma, S/o. Late Sarjun Vishwakarma, Aged About 28 Years, R/o. Village Sarga, Police Station & Tehsil Sitapur, District Sarguja Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station-Sitapur, District Sarguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Arun Kumar Shukla, Advocate

For Respondent : Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

07.07.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.92/2020 registered at Police Station Sitapur, District Sarguja, for the offence punishable under Section 302, 307, 324 of Indian Penal Code and Section 25 of Arms Act.
2. As per the prosecution case, on 04.07.2020 the applicant assaulted his father the deceased Sarjun even when some family members tried to intervene they were also assaulted.
3. Learned counsel for the applicant would submit that the incident happened during spur of moment, there was no intention to kill and there is no direct evidence available; therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and he read out the statement and dying declaration of the father.

5. Having considered the dying declaration and the evidence on record, I am not inclined to release the applicant on bail. Accordingly, the bail application is rejected.

Sd/-
(Goutam Bhaduri)
Judge

Ashok