

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2077 of 2021**

Ashish Das S/o Arogya Das Aged About 20 Years R/o Lig 285, Amdi Nagar , Hudco, Bhilai, Tahsil and District Durg Chhattisgarh. ---  
**Applicant**

**Versus**

State of Chhattisgarh through the Station House Officer Newai, District Durg Chhattisgarh. ----  
**Respondent**

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| For the applicant  | : | Mr. Arvind Dubey, Advocate.        |
| For the Respondent | : | Mr. Ashish Tiwari, Govt. Advocate. |

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**Hon'ble Shri Justice Goutam Bhaduri****Order on Board****26.07.2021**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in Crime No. 357/2020 of Police Station Newai, Distt. Durg (C.G) for the offence punishable under Section 307 & 34 of IPC
2. As per the prosecution case, on 22.11.2020, a free fight took place between the applicant party and the victims Aditya and Prakash over driving of the car at a high speed by the applicant and when the victims asked the applicant and his colleague to have control of the speed of car, the applicant assaulted Aditya and Prakash by hands and fists and used the Hexa Blade in such assault, thereby fatal injuries were caused to the victims.
3. Learned counsel for the applicant submits that the incident took place over a road rage and there was no intention to commit the murder and in a spur of moment, the fight took

place on account of which Aditya was admitted in hospital for 5 days and Prakash was admitted for a few days in hospital. He submits that the charge sheet has been filed, applicant is in jail since 23.11.2020 and no further investigation is necessary, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
  5. Considering the back ground on which the incident took place, charge sheet has been filed, the applicant is in jail since 23.11.2020 and no further investigation is necessary, I am inclined to allow this bail application.
  6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

**Sd/-  
GOUTAM BHADURI  
JUDGE**