

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2046 of 2021

Buddhadev Yadav, S/o. Ramcharan Yadav, Aged About 40 Years, R/o. Bhawanipur, Police Station Kusmi, District Balrampur-Ramanujganj Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Kusmi, Balrampur-Ramanujganj Chhattisgarh.

---- Respondent

For Applicant : Mr. Nitesh Shrivastava, Advocate

For Respondent : Mr. Pawan Kesharwani, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

ORDER

20.07.2021

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.93/2020 registered at Police Station- Kusmi, District Balrampur-Ramanujganj, for the offence punishable under Section 307 of Indian Penal Code.
2. As per the prosecution case, on 20.08.2020 at about 7 in the morning when the injured Lalsay was performing certain pooja at Temple, the applicant came and objecting that white flower should not be offered to the God and on this trivial issue the altercation started and the applicant assaulted the injured Lalsay with a back portion of the Axe; thereby, it caused injury which was fatal.
3. Learned counsel for the applicant would submit that the incident happened at the spur of moment, no intention was there to kill and the applicant also do not come with an arm. He further submits that the charge sheet has been filed and the applicant is in jail since 18.09.2020; therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the injured. Considering the nature of injury and the background on which it happened and further considering the fact that the charge sheet has been filed and the applicant is in jail since 18.09.2020, I am inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. 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/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge