

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2471 of 2021

Balram Chandrakar, S/o. Gorelal Chandrakar, Aged About 19 Years, R/o. Village Bagharra, Police Station Kunda, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Kunda, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. Siddharth Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

26.07.2021

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.202/2019 registered at Police Station- Kunda, District Kabirdham, for the offence punishable under Section 302/34 of Indian Penal Code.
2. As per the prosecution case, a report was made by Gorelal on 10.11.2019 that the present applicant who is son is quarreling with him and assaulted him alongwith other accused by way of rod on his head. Subsequently, he died on 14.11.2019.
3. Learned counsel for the applicant would submit that the complainant while was admitted in the Hospital no injury was found on the head and subsequently, he died on 14.11.2019. However, the post mortem do not say so about the positive opinion. He further submits that the eye-witness Sarju Prasad, Sammelal & Geetaram have been examined and they have not supported the case of the prosecution; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail. However, he is not able to dispute the fact that the eye-witness have turned hostile and there is no definite opinion of injury, which has caused death.
5. Considering the nature of evidence which has come out and further considering the period of detention as the applicant is in jail since 06.12.2019, 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