

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2479 of 2021

Sanyashi Vishal, S/o. Ghansiram, Aged About 55 Years, R/o. Village-
Bhagora, Police Station- Tamnar, District- Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Officer-In-Charge, Police Station- Tamnar,
District- Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Ashutosh Mishra, Advocate

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

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.22/2021 registered at Police Station- Tamnar, District Raigarh, for the offence punishable under Sections 294, 506, 323, 307 of Indian Penal Code.
2. As per the prosecution case, on 25.01.2021 on a family dispute the applicant assaulted his brother Lalchand Vishal and sister-in-law Basanti Vishal by way of a Club, which was fatal to life.
3. Learned counsel for the applicant would submit that the incident happened over an old enmity in between brothers, there was no intention to kill and all of a sudden, the incident happened. He further submits that the injuries are not grievous in nature, the charge sheet has been filed, no further investigation is necessary and the applicant is in jail since 25.01.2021; therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that as per the CT scan, fracture was found on the head.
5. Considering the nature of allegation and the background on which the incident happened and further considering the fact that the charge sheet has been filed, no further investigation is necessary and the applicant is in jail since 25.01.2021, 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