

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6231 of 2020

- Teerath Dhurve S/o Late Mohan Singh Dhurve, Aged About 22 Years R/o Village Larkakki, P.S. Taregaon, Jungle, District Kabirdham Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Taregaon, Jungle, District Kabirdham Chhattisgarh

---- Respondent

For Applicant : Shri Sudhir Verma, Advocate

For Respondent : Shri Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.01.2021

1. The applicant has preferred the First Bail application u/s 439 of Cr.P.C. for grant of bail as he is arrested on 02.10.2019 in connection with Crime No. 34/2019 registered at Police Station Taregaon Jungle Dist Kabirdham for offence punishable under sections 302, 201 & 34 of IPC.
2. As per the prosecution case on 28.09.2019, the present applicant along with one Chamaru has assaulted Mohan Singh for the reason that the applicant is the son from first wife and was deserted.
3. Learned counsel for the applicant would submit that there is no evidence against the applicant and only on assumption and presumption the applicant has been arrested. He further submits that there is no eye witness and the seized item i.e. club also do not match with the injury as no blood stain has been found and furthermore the club was seized from the house of Chamaru, therefore the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and read out the statement of Kamal Singh.
5. Perused the statement of the witness and Kamal Singh. Considering the nature of evidence and primarily it appears that no confession has been made and further considering that the charge sheet has been filed, I am inclined to grant bail.
6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti