

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6822 of 2020

Sitaram S/o Bihari Aged About 34 Years By Caste Marar, R/o Village Kanhargaon, Thana and Tahsil Dongargarh, District- Rajnandgaon, Chhattisgarh. --- **Applicant**

Versus

The State of Chhattisgarh through Police Station Mohara District- Rajnandgaon, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Parag Kotecha, Advocate
For the State	:	Mrs. Richa Shukla, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.01.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant for Crime No.197/2020 registered at Police Station Mohara, Distt. Rajnandgaon (C.G) for the offence punishable u/ss 302, 201 of IPC.
2. As per the prosecution case, on 07.05.2020, the applicant on a trivial dispute assaulted his brother Gaiind Singh alias Gyan Singh by way of stick on his neck whereby he died thereafter. However, it was disclosed that the death was due to ailment of epilepsy and excessive consumption of liquor. Subsequently when the postmortem was conducted, it was revealed that the death was due to asphyxia and fracture of neck bone. Subsequently, the applicant was arrested who initially disclosed the fact that the death of deceased was because of epilepsy.
3. Learned counsel for the applicant would submit that there is no direct evidence available against the applicant and it is

only the basis of seizure of stick of 2 1/2 ft., the arrest was made.

4. Per contra, learned state counsel opposes the bail application.
5. Perused the statement of witnesses. There is no direct evidence available against the applicant. The applicant has been arrested only on the basis of seizure of wooden stick. Considering the nature of evidence available against the applicant, 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 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.
7. Cc as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**