

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.6180 of 2021**

- Mahesh Kumar, S/o Ramket, aged about 30 years, R/o Gram Chonga (Karauti) Police Station Chandani, Police Outpost / Stataion- Chandani, Tehsil Odagi, District Surajpur (CG)

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Chandani, District Surajpur (CG)

---- Non-applicant

For Applicant	:	Mr. Sushil Dubey, Advocate
For Non-applicant	:	Ms. Shubhra Shrivastava, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu**Order On Board****28/10/2021**

1. This is first application under Section 439 of CrPC for grant of regular bail to applicant who is in custody since 30.6.2021 in connection with Crime No.24/2021 registered at Police Station Chandani, District Surajpur (CG) for commission of offence under Sections 307, 294, 506 of IPC.
2. Case of prosecution, in brief, is that on 19.5.2021 due to dispute of distribution of goat meat, a quarrel took place between applicant and injured Ramsajivan, brother of applicant. When quarrel aggravated between the two, applicant picked up a burning piece of wood from hearth and gave single blow on head of Ramsajivan as a result he became unconscious. Ramsajivan was immediately taken to hospital at Baidhan. Looking to injuries, Ramsajivan was

referred to a hospital in Raipur where he took treatment from 23.5.2021 to 9.6.2021. Incident was reported to concerned police station based upon which aforementioned crime is registered against applicant.

3. Mr. Sushil Dubey, learned counsel for applicant would submit that in a sudden quarrel that took place on trivial issue of distribution of goat meat, injury was caused by applicant to Ramsajivan, who is real brother of applicant. It was not intentional. As per allegation, applicant picked up burning wood from hearth and gave only single blow on head of injured under sudden provocation. Applicant was not having any intention to cause any injury of such nature. On 14.9.2021 injured executed an affidavit before the Notary to the effect that he is not having any objection in grant of bail to applicant. Relationship between two is now cordial. Applicant is in jail since 30.6.2021. Looking to relationship between applicant and injured i.e. real brothers, and affidavit executed by injured Ramsajivan, applicant may be released on regular bail.
4. On the other hand, Ms. Shubhra Shrivastava, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that injury caused by applicant was grievous in nature. Injured Ramsajivan suffered two fracture injuries on his head, hence applicant is not entitled for grant of regular bail.
5. I have heard learned counsel for parties.

6. Taking into consideration nature of allegations, cause on which dispute took place and manner in which applicant assaulted injured; relationship between applicant and injured i.e. real brothers; affidavit executed by injured Ramsajivan, as submitted by learned counsel for applicant; period of detention, without commenting anything on merits of case, I am inclined to release applicant on regular bail.

7. Accordingly, the application is allowed and it is directed that 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 satisfaction of trial Court concerned on the conditions that;

- he shall appear before trial Court concerned regularly on each & every date unless exempted from appearance.
- he shall not, in any manner, tamper with the prosecution witnesses.
- if applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-