

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8058 of 2020

Santosh Kumar @ Baba S/o Raghunath, Aged About 38 Years R/o Village Chhuri, Police Station And Tahsil Khadgawa, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Station House Officer, Police Of Police Station Khadgawa, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For State	:	Ms. Samiksha Gupta, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/02/2021

1. The applicant is arrested in connection with Crime No.188/2020 registered in Police Station- Khadgawa, District- Koriya (CG) for alleged commission of offence under Sections 294, 506, 323, 307 read with Section 34 IPC.
2. Case of the prosecution, in brief, is that the applicant assaulted his own brother with intention to kill.
3. Learned counsel for the applicant would submit that the prosecution story is exaggerated and there was no intention to kill his own brother. He submits that all the injuries, except one, are said to be simple in nature and with regard to one injury, which has been found on the lower part of the parietal, does not show that there was any fracture injury. Learned counsel for the applicant submits that the investigation is complete, charge sheet has been filed and the applicant is in jail since 28.7.2020, therefore, at this stage, he

may be granted bail

4. On the other hand, learned counsel for the State opposed the bail application by submitting that the criminal overt act of the applicant in using iron rod and inflicting the injury on the parietal part shows prima facie intention to cause death even though there may not be any fracture injury.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that only one injury of the parietal which too does not show any fracture and the genesis of dispute between the applicant and his brother and further taking into consideration that the investigation is complete, charge sheet has been filed and that the applicant is in jail since 28.7.2020. I am inclined to allow the application.
6. The application is accordingly allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge