

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No.1289 of 2021**

Neheru Lal Maitri, S/o. Fankatram Maitri, Aged About 40 Years, R/o. Village-
Putidih, P.S. Dabhra, District Janjgir - Champa (Chhattisgarh)

---- Appellant

Versus

State Of Chhattisgarh, Through Station House Officer - Dabhra, District
Janjgir - Champa (Chhattisgarh)

---- Respondent

For Appellant	:	Mr. Ishwar Jaiswal, Advocate
For Respondent /State	:	Mr. Anshuman Shrivastava, Panel Lawyer
For Objector	:	Ms. Sonia Kuldeep, Advocate

Order on Board**By****Hon'ble Shri Justice Goutam Bhaduri****09/12/2021**

1. The present appeal is arising out of order dated 17-09-2021 passed by the Special Judge (Atrocities) Janjgir, District Janjgir-Champa, in Criminal Case No.52/2021.
2. The appellant has preferred this appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act, 1989') for grant of bail to the applicant who has been arrested in connection with Crime No.163/2021 registered at Police Station- Dabhra, District Janjgir-Champa for the offence punishable under Sections 307 of Indian Penal Code & under Section 3(2)(V) SC/ST (Prevention of Atrocities) Act, 1989.
3. As per the prosecution case, on 10.04.2021 the victim Suraiya and Sewti who were Mitnin of the village objected to the consumption of liquor and gambling. Having enraged by such objection, the appellant along with others assaulted the victim by way of Axe, which was sufficient to cause death.

4. Learned counsel for the appellant would submit that the nature of both injury are simple in nature and the victim has aggravated and attacked the appellant while he was sitting on his house and in counter blast the incident happened and there was no intention to kill. He submits that the charge sheet has been filed and the appellant is in jail since 14.06.2021, therefore, he may be released on bail.
5. Learned counsel for the State as well as learned counsel for the objector, *per contra*, would oppose the prayer for grant of bail. They would submit that the nature of injury are enough to cause death.
6. Heard learned counsel for the parties.
7. Perused the statement of the victim and the background how it happened. The Doctor has reported the nature of injury to be simple. The charge sheet has already been filed and no further investigation is necessary. Taking into such fact, I am inclined to release the appellant on bail. Accordingly, the appeal is allowed and the impugned order passed by the lower court is set-aside.
8. It is directed that the appellant 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