

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5768 of 2015

Budhlal S/o Kunwar Sai Aged About 40 Years R/o Dodhgapara,
Parsodhi, Police Station Darima, Tahsil Ambikapur, Police Station
and Post Ambikapur, Civil And Rev. Distt. Surguja Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Police Station Rajpur, District
Balrampur-Ramanujganj Chhattisgarh.

For applicant - Shri Manoj Paranjpe, Advocate.

For Respondent/State – Shri Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/11/2015

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 84/2015 registered in Police Station Rajpur, District Balrampur-Ramanujganj (C.G.) for offence punishable under section 302 and 201 read with section 34 of IPC.
2. As per the prosecution case, applicant along with other co-accused namely Jaimuliya, Sumitra and Fulbai committed murder of Harilal. As per the prosecution case deceased was husband of Jaimuliya other co-accused and it was alleged that on 1/06/2015 at about 3.30 pm, four accused persons had tied deceased with rope and assaulted the deceased and thereafter he was set at large at 9 o' clock. Subsequently, on 9/06/2015 he was admitted to the hospital and on 11/06/2015 he died during the course of treatment.
3. Learned counsel for the applicant submits that according to the

statement itself the deceased Harilal was habituated in drinking and therefore on the date of incident on 1/06/2015 when he was on the state of intoxication, when he demanded amount, he was tied by the mother, sister and the wife of the deceased and subsequently he was set at large at 9 o' clock. He died thereafter after 8 days. He was admitted to the hospital on 9/06/2015 and died on 11/06/2015, therefore case of homicidal nature not been made out.

4. Learned State counsel opposes the prayer for grant of bail and submits that according to the postmortem report death was homicidal in nature and because of the beating deceased died.

5. I have gone through the charge sheet and also postmortem report and the evidence.

6. Having regard to the fact that the deceased died on 11/06/2015 and the allegation of beating was of 1/06/2015 and also considering the evidence which is available, without any observation on the merits, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing 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.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

