

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6171 of 2015

1. Bhojram @ Golu, S/o. Shri Nandram, aged about 24 years, Caste-Yadav, R/o. Dagouri, Police Station – Bilha, District Bilaspur (C.G.)
2. Pawan, So. Shri Nandram, aged about 19 years, Caste - Yadav, R/o. Dagouri, Police Station – Bilha, District – Bilaspur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station - Bilha, District Bilaspur (C.G.)

---- Respondent

For Applicants : Mr. Rishi Rahul Soni, Advocate

For Respondent/State : Mr. Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.211/2015, registered at Police Station – Bilha, District – Bilaspur (C.G.) for the offence punishable under Section 302/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 24.06.2015, an altercation took place between the deceased, Ramesh Kenwat and the accused persons on the issue of spiting thereafter, the accused persons assaulted the deceased by way of bamboo, due to which the deceased received a fracture on his left hand. Subsequently, the deceased died on 13.07.2015 due to septicemia.
3. Learned counsel for the applicants would submit that the deceased died due to septicemia and the postmortem report do not support the fact that because of the injury caused, the deceased has died. He

would further submit that the applicant is in jail since 17.08.2015, therefore, he prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that the eye-witness, Surit has stated that the deceased has beaten by bamboo.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have perused the postmortem report. The incident happened on 24.06.2015 and the deceased died on 13.07.2015 and the cause of death is due to septicemia. Further, the enquiry made, it was made clear that cause of death was because of failure of liver and other infection and the septicemia. Considering the nature of allegation and postmortem report without any observation on merits, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge