

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4520 of 2016

- Vikas Pal S/o Shivcharan Pal Aged About 20 Years R/p Rajiv Nagar, Ganesh Chowk, Supela, Bhilai, Tahsil & District Durg, Chhattisgarh.
---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Office, P.S. Supela, District Durg, Chhattisgarh.
--- **Respondent**

For the applicant	:	Mr. Jitendra Gupta, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.08.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 1036 of 2015 registered at P.S. Supela, Distt. Durg (C.G) for the offence punishable under Sections 302, 294, 506-B, 323, 397 of IPC.
2. As per the prosecution case, on 12.11.2015, the applicant in a state of intoxication demanded money from deceased Ganesh Bhatkar while he was sleeping and on being refused he assaulted Ganesh Bhatkar on his head with a stone. Subsequently, he died on 14.11.2015. The investigation was carried out and after investigation, memorandum of applicant was obtained and he has been arrested on 20.03.2016.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated as the charge sheet contains a query report by the Doctor wherein the cause of death has not been completely assigned because of the injury. It is further submitted that after 4 months, the memorandum of

the applicant was recorded and recovery was made which is completely improvable and no eye witness is present and only on circumstantial evidence, the applicant was arrested.

4. Per contra, learned State Counsel opposes the bail and would submit that while assaulting the deceased by the present applicant it was seen by one Gopal Sahani.
5. Perused the statement of Gopal Sahani who has stated that the applicant has assaulted the deceased which was seen by him. Thereafter, the applicant was admitted to the hospital where he died. A report was also made by the deceased on 13.11.2015 while he was admitted to hospital.
6. Considering the totality of the circumstances, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE