

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5145 of 2016

- Vishnu Sahu S/o Late Netram Sahu Aged About 30 Years
(Bishnu Wrongly Mentioned) R/o Village Kolda, Police Station
Khallari Bhimkhoj, Tahsil & District Mahasamund,
Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police
Station Khallari, District Mahasamund, Chhattisgarh. ---
Respondent

For the applicant	:	Mr. C. R. Sahu, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.09.2016

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. 36/2016 registered at P.S. Kallari, Distt. Mahasamund (C.G) for the offence punishable under Sections 294, 323, 302 of IPC.
2. As per the prosecution case, on 28.1.2016 while the injured Avon Sahu was returning from village Kona on the way at about 7.30 p.m., the applicant has assaulted him on his head whereby Avon Sahu fell down on the spot and became unconscious. He was admitted to hospital and after regaining consciousness, a report was made on 20.02.2016. Subsequently, during the course of treatment he died on 10.03.2016.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the reason for the death was not because of the fact that the

applicant has caused blow on his head as the death was caused on 10.3.2016 that is much after the incident which took place on 28.01.2016.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the deceased which was recorded while he was admitted in hospital as also the postmortem report.
6. Considering such statement and the postmortem report, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**