

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6660 of 2016

Dushyant Kumar Sahu, S/o. Jai Kumar Sahu, Aged About 23 Years, R/o. Village- Rohansi, Police Station- Palari, District Baloda Bazar – Bhatapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Palari, District Baloda Bazar – Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Arvind Shrivastava, Advocate

For Respondent : Mr. U.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.11.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.278/2016 registered at Police Station- Palari, District Baloda Bazar- Bhatapara (C.G.) for the offence punishable under Section 302 of Indian Penal Code.
2. As per the prosecution case, on 14.07.2016, out of some dispute, a scuffle took place in between the applicant and deceased Motilal, who is aged about 70 years. At such moment, the applicant assaulted the deceased and caught hold of the deceased by neck and subsequently other persons separated them. Thereafter, the deceased became unconscious and subsequently he was found to be dead.
3. Learned counsel for the applicant would submit that there is no intention to kill, neither the applicant was armed with any weapon nor has committed any overt act which would lead to hold that the

applicant has committed murder and therefore the case would not fall under Section 302 of IPC and, as such, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and statement of Santoshi Bai, Ku. Indrani Sen & Mahesh Kumar Sen. Also perused the post-mortem report, which shows that the deceased died due to Asphyxia. Taking into such statement and evidence, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge