

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7430 of 2016

1. Uttam Kumar Lodhi, S/o. Dadu Ram Lodhi (Verma), aged about 42 years, R/o. Village- Bidouri, P.S. and Tahsil Chhuikhadan, District – Rajnandgaon (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : the Collector/District Magistrate, Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. Govind Ram Miri and Mr. Basant Kaiwartya,
Advocates

For Respondent/State : Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/11/2016

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 applicant who has been arrested in connection with Crime No.230/2016, registered at Police Station – Chhuikhadan, District – Rajnandgaon (C.G.) for the offence punishable under Section 302 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Keshav Nishad died on 04.08.2016. Prior to date, he had a dispute with the present applicant Uttam Kumar and there was scuffle took place and the applicant assaulted the deceased. Subsequently, he died because of head injury. After investigation it was found that the deceased was assaulted by way of *Gedi* by the present applicant. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is further submitted that according to the morgue reported by son of the deceased, the deceased became unconscious and himself has fell down and therefore, he sustained injuries and died. It is further submitted that report was made after one and half month and during such FIR and morgue no allegations were attributed to the present applicant. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 23.09.2016, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the morgue statement, which is made by Shankar Lal Nishad, who is nephew, wherein he has stated that the deceased fell down on 04.08.2016 and on previous date there has been some dispute with the applicant. In query report it is stated that death can be caused after a day of the injury. Taking into the totality and the statement of Parnima Bai, this Court is not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge