

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7491 of 2016

- Y K Soloman S/o Y.K. Sangwa, Aged About 35 Years R/o Central Reserve Police Force 227th Battalion, Jagdalpur, Chhattisgarh. Permanent Resident of 9th Affom, Nenapatti, Manipur (In Jail)----
Petitioner

Versus

- State of Chhattisgarh Through District Magistrate Surguja, District Surguja, Chhattisgarh.
--- Respondent

For the applicant	:	Mr. Rakesh Pandey, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.11.2016

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. 419/2016 registered at P.S. Ambikapur, Distt. Surguja (C.G) for the offence punishable under Sections 294, 323, 506, 302 read with Section 34 of IPC.
2. As per the prosecution case, a dispute took place between complainant Sanjay Singh and the applicant and others who are in CRPF where the altercation further aggravated. It is alleged that the applicant and other accused have assaulted the complainant Sanjay Singh on 02.08.2015 by kicks as a result of which the complainant sustained head injury. Thereafter he was hospitalized at different places and was being treated and ultimately he died on 11.10.2015. The reason of death was shown as head injury and multiple pathology which would be caused due to complications of

head injury.

3. Learned counsel for the applicant would submit that the complainant was suffering from liver Cirrhoses and another pathology, therefore, he was admitted to hospital where he died on 11.10.2015. He further submits that after almost 2 months of the incident, the complainant died, therefore, the allegations cannot be attributed to the present applicant that because of such beating the deceased has died.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents. The incident is reported to be of 02.08.2015 and the applicant appears to have died on 11.10.2015. Also perused the statements of eye-witnesses Shiv Kumar Gupta, Deepak Manwani who have stated that the applicant has assaulted by kicks on the head of deceased. In the postmortem report also the doctor has also opined that the cause of death was due to head injury and also multiple pathology. The applicant is a personnel of CRPF and the deceased was assaulted by boots on his head when the dispute started.
6. Considering such facts situation of the case, I am not inclined to allow this bail application. Accordingly it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**