

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7562 of 2016

Manharan Jangde, S/o. Parmatmaram, Aged About 18 Years, R/o. Village Ruhi, Police Station - Patan, Tahsil - Patan, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station - Patan, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.11.2016

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.114/2016 registered at Police Station- Patan, District Durg (C.G.) for the offence punishable under Section 147, 149, 302, 323 of Indian Penal Code.
2. As per the prosecution case, on 08.08.2016 in a village meeting Anjori Ram was called on the allegation that he had abused some of the society members and when he came alongwith the deceased Amar Das and Arun Kumar some altercation took place and thereafter the deceased Amar Das who is son of Anjori Ram was beaten by the present applicant and other co-accused. Consequently, he succumbed to the injuries.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, the deceased was initially taken to the Doctor and thereafter he was referred to the Hospital and in the meanwhile he died and the cause of death was shown as shock due to respiratory arrest, which cannot be attributed to this

applicant as he has no enmity and intention to cause death and he is 18 years old boy, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of Bhagwat Ram, who is the eye-witness, wherein the allegations have been attributed to the present applicant and others who assaulted the deceased Amar Das. Taking into such statement, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Ashok

Sd/-
(Goutam Bhaduri)
Judge