

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 267 of 2017

- Anil Singh S/o Late Brajnandan Singh, Aged About 42 Years R/o Mahuli, Police Station- Tairpa, District- Chhapra (Bihar), Present Address- Chhatamuda Bypass Chowk, Raigarh, District- Raigarh Chhattisgarh. **---Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station- Kotwali, District- Raigarh Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.02.2017

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. 627/2016 registered at P.S. Kotwali, Distt. Raigarh (C.G) for the offence punishable under Sections 302 IPC
2. As per the prosecution case, on 15.10.2016 one Ashok Yadav who was driver of the applicant was assaulted on the ground that he left his Truck somewhere else and whereabouts were not known which were being esquired. Consequently during such enquiry the driver was assaulted by the present applicant and as a result of such assault, he eventually died due to rupture of liver and fracture of some bones.
3. Learned counsel for the applicant would submit that the statements of Firoz and Jamaluddin have also been recorded which contradicts the statements of Lalji Chauhan and Rajesh Shetti who have stated that the applicant has

assaulted the deceased and after the incident it is reported by Firoz that applicant was talking with Ashok Yadav and Ashok Yadav fell down along-with the Bench thereby the injury was caused and the applicant has not committed any offence.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the the statements of Lalji Chouhan and Rajesh Shetti wherein they have stated that the applicant has assaulted during enquiry of truck by hands and fists and it was seen by them. The PM report shows that the right lobe of liver was lacerated from posterior side and there was fracture of rib at T-12 level from back side.
6. At this stage, the statements of witnesses Lalji Chauhan and Rajesh Shetti cannot be said to be contradictory which has to be decided after evaluating the entire evidence as a whole.
7. Thus taking into position of such evidence as also the medical report, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**