

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4368 of 2017**

Ratan Kujur @ Nantu S/o Pannalal Kujur, Aged About 20 Years R/o Village Koldia Junapara, Police Station Gandhi Nagar, District Surguja, Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Gandhi Nagar, District Surguja, Chhattisgarh.

---- Respondent

For the Petitioner : Shri Sunil Otwani, Advocate.
For the Respondent/State : Shri Arvind Kumar Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.10.2017**

1. Heard.
2. 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.53 of 2017, registered at Police Station – Gandhi Nagar, District Surguja, Chhattisgarh for the offence punishable under Sections 294, 323, 506 and 302/ 34 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. In the incident that has taken place, the deceased was simply assaulted and caused simple injuries. The doctor has not given any definite opinion as to the cause of death, hence, the offence that can be made out is at the most of causing injuries to the deceased.

Hence, it is prayed that the applicant be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there are direct eyewitnesses in this case and the thrashing given by the applicant and co-accused has directly resulted in death of the deceased. Hence, for this reason, there is no entitlement for grant of bail.

5. Heard counsel for both the parties and perused the case diary.

6. Considering the statements of the witnesses recorded under Section 161 of the Cr.P.C. and the postmortem report, I am of the considered view that this is not a fit case to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge