

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4310 of 2017

- Budhram Kujur S/o Radheram Kujur, Aged About 25 Years R/o Village Bhadar, Police Station Rajpur, District Balrampur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Rajpur, District Balrampur Chhattisgarh

---- Respondent

For Applicant	:	Mr. Shakti Raj Sinha, Advocate
For Respondent	:	Mr. Arvind Kumar Shukla, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

23/10/2017

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. 21/2017, registered at Police Station- Rajpur, District – Balrampur (C.G.) for the offence punishable under Sections 323 and 302 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in this case. He is in jail since 02.03.2017. The deceased Subhash Ikka had love affair with niece of accused, on account of which applicant thrashed the deceased on the date of incident on 26.2.2017, but thereafter meals was offered to the deceased and next day the parents of deceased were called and deceased was handed over to them in living condition. Deceased died

after two days of the incident on 28.2.2017. It is submitted that the Postmortem report also shows that there had been a single injury on the head, which resulted in Coma and thereafter death of the deceased. Hence, it is prayed that this is not a case of murder. Applicant can be held responsible at the most for the offence of causing grievous injury, therefore, he may be released on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that deceased was beaten twice on the night on the date of the incident and he was again beaten on the morning of the next day. Deceased was not a conscious condition when he was handed over to his parents. Hence, it is an intentional act on the part of the applicant. He is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. Considering the submissions made and contents of the case diary, this appears to be a fit case where applicant should be enlarged on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge