

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4834 of 2017**

Sushil Kumar Rajwade S/o Lt. Shri Hira Say Rajwade, Aged About 37 Years R/o Kailashpur, Police Station Sonhat, District Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Sonhat, District Koriya, Chhattisgarh

---- Respondent

For the Applicant	:	Shri Manish Sharma, Advocate
For the Non-applicant	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03/11/2017**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.18/2017 registered at Police Station Sonhat, District Koriya (C.G.) for the offence punishable under Section 302 of Indian Penal Code.
3. Case of the prosecution, in brief is that doctor of Dr. B.R. Ambedkar Memorial Hospital, Raipur intimated Police Station Moudhapara Raipur that admitted deceased Heerasai has been died. Merg intimation have been registered. After the investigation it has been found that deceased had gone in the house of the present applicant for dinner. A dispute regarding wages has been arisen and said applicant had caused blows on the head, neck by plastic chair and

caused injury. As per the postmortem report the cause of death was due to cardio respiratory failure as result of head injury and their complication.

4. Learned counsel for the applicant argued that FIR has been lodged on 01/03/2017, wife of the deceased Premabai had not made allegation against the applicant during the preparation of the Panchnama. At the time of primary treatment doctor has written that injury has due to fall. The statement of the some witnesses have been recorded too late, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. What would be affect of alleged panchnama of dead body, delayed FIR, delayed recording of statements under 161 of CrPC may be considered during the trial. At this stage where the bail is pending, above mentioned facts do not helpful for the applicant.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
8. Consequently, the MCRC is dismissed.

Sd/-

(Sharad Kumar Gupta)
Judge