

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 6093 of 2017

(Arising out of Crime No.273 of 2017 registered at Police Station Balodabazaar, Distt. Baloda Bazaar-Bhatapara, C.G., for the offences punishable u/s 294, 506, 307 IPC)

- Ashish Kumar S/o Chhedilal Soni, Aged About 45 Years R/o Village Karmada, Tahsil Balodabazar, District Balodabazaar Bhatapara, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Baloda Bazar District Baloda Bazar Bhatapara, Chhattisgarh. --- **Respondent**

12.10.2017	Mr. Amiyakant Tiwari, counsel for the applicant. Mr. Suryakant Mishra, Panel Lawyer, for the State. As per the prosecution case, on 24.07.2017 a report was made by Khilawan Singh Paikra that while he was coming back on 23.07.2017, the appellant who was present in front of his house all of a sudden abused and assaulted on his head by way of cricket bat and caused injury which was enough to cause death. Learned counsel for the applicant submits that the applicant is suffering from Schizophrenia, therefore, he is being treated for the said mental illness which would be evident from document filed as Annexure A-2. He further submits that the nature of injury in this case also do not fall u/s 307 IPC, therefore, the applicant may be enlarged on bail. Per contra, learned State Counsel opposes the bail application.

Rao / Gouri	Considering the facts and circumstances of the case, at this stage, I am not inclined to allow this bail application. Accordingly, it is rejected. However, considering the submission made by counsel for the applicant, it is observed that the applicant shall be at liberty to repeat the same after filing of the charge sheet and considering the document filed as Annexure A-2 about the fact of Schizophrenia, the concerned Magistrate may hold an enquiry so that the Applicant may claim his relief as per the provisions of Chapter XXV of the Code of Criminal Procedure. Sd/- GOUTAM BHADURI JUDGE
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