

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet MCRC No. 7398 of 2017

(Arising out of Crime No.419 of 2015 registered at Police Station Ambikapur, Distt. Sarguja, Chhattisgarh for the offences punishable u/ss 294, 323, 506, 302/34 of IPC)

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- Y.K. Soloman S/o Shri Y. K. Sangba, Aged About 35 Years R/o Central Reserve Force 227 Battalion Jagdalpur C. G. Parmanent R/o 9th Affron Senapathi (Wrongly Mentioned As Nenapathi In The First Bail Order) Manipur

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Versus

- State of Chhattisgarh through Station House Officer, P. S. Ambikapur District Sarguja Chhattisgarh

--- **Respondent**

05.12.2017	Mr. Sakti Raj Sinha, counsel for the applicant. Mr. Ramakant Pandey, P.L. for the State. This is third bail application filed u/s 439 of the Code of Criminal Procedure for grant of bail to the applicant. As per the prosecution case, a dispute took place between complainant Sanjay Singh and the applicant who are in CRPF where the altercation further aggravated. It is alleged that the applicant and other accused have assaulted complainant Sanjay Singh on 02.08.2015 by kicks as a result of which complainant sustained head injury. Thereafter he was hospitalized at different places and ultimately during the course of treatment he died on 11.10.2015. The reason of death was shown as head injury and multiple pathology which would be caused due to complications of head injury. Learned counsel for the applicant submits that as per the statement of the doctor, the death was due to lever

R a o	Cirrhosis and not by the head injury which was caused within 10 days. Perused the earlier rejection order dated 26.07.2017. It shows that considering the postmortem report wherein the death is stated to be caused due to head injury, the application was rejected. Therefore, I do not find it appropriate to evaluate the entire case by holding the trial as it would amount to giving a new finding at the stage of trial. Accordingly, the bail application is dismissed. However, the trial Court is requested to expedite the trial. Sd/- GOUTAM BHADURI JUDGE
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