

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7310 of 2017

- Gopi Harpal S/o Binar Harpal, Aged About 29 Years, R/o Indira Colony, Ward No.3, Nayakbandha, Police Station Abhanpur, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Abhanpur, District Raipur Chhattisgarh.

---- Non-applicant

For Applicant – Shri Rakesh Thakur, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-01-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 22-06-2017 in connection with Crime No.45/2017 registered at P.S. Abhanpur, District Raipur, C.G. for the offence under Section 302 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant had simply given a push to the deceased on the date of incident, because of which he fell down on hard surface and sustained head injury. Hence, the applicant is not responsible for causing any head injury which resulted in his death and the death of the deceased is simply accidental. No case is made out against the applicant for offence of murder. Therefore, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the

application and submission made. It is submitted that the offence prosecuted against the applicant is of grievous nature and therefore, he is not entitled for grant of regular bail.

4. Heard learned counsel for the parties and perused the case diary.

5. Facts of the case are these, that on the date of incident, i.e., 08-06-2017 the deceased was standing on the spot of incident, when the applicant got down from a truck and running towards the deceased he gave him a push and went away. The deceased fell down on hard surface of the road and sustained injury on his head. The deceased was immediately taken to the hospital by the applicant and other persons present on the spot, but he succumbed to the injuries during the course of treatment on 09-06-2017. Statements have been given by the witnesses present on the spot that it was the applicant who had given push to the deceased which caused injury to him which has resulted in his death.

6. Considered on the submissions made and contents of the case diary.

7. Taking into consideration the facts and circumstances of this case and the postmortem examination report, this Court is of the considered view that this is a fit case where the applicant should be released on bail till conclusion of the trial.

8. Consequently, the application (MCRC No.7310/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum

to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil