

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 3149 OF 2018

Madhav Manjhi S/o Kolpo Manjhi Aged About 50 Years R/o Charbhata, P. S. Sankara, District Mahasamund Chhattisgarh.

... Applicant

Versus

State Of Chhattisgarh Through- Police Station- Rajadevri, Distt. Baloda Bazar (CG).

... Respondent

For Applicant	:	Shri Hemant Gupta, Advocate.
For Respondent-State	:	Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/07/2018

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 21.12.2017 in connection with Crime No.59 of 2017 registered at Police Station Rajadevri, Distt. Baloda Bazar for the offence punishable under Sections 302/34 and 201 IPC.
2. As per prosecution case, the applicant along with other co-accused persons is said to have assaulted the deceased Kailash on the night of 17.12.2017 causing grievous injuries to which he later succumbed on 19.12.2017.
3. Learned Counsel for the applicant submits that even if the entire version of the the prosecution is accepted in toto, the injuries which have been caused by the present applicant is on the right leg of the deceased wherein he had suffered fracture on the tibia fibula bone of the right leg. Perusal of postmortem report also would reveal that there was no grievous injuries on the vital parts of the deceased. The Doctor has also not given an opinion so far as the cause of death being the injuries caused to any of the vital parts. Further, two co-accused persons have already been released on bail by this court in MCRC

Nos. 2860 and 4536 of 2018 decided on 25.05.2018 and 17.07.2018 respectively. Therefore, the present applicant may also be released on bail.

4. The State counsel opposes the bail application on the ground that there is evidence so far as fight that took place between the present applicant & co-accused and the deceased. There is also evidence to the fact that the present applicant has assaulted the deceased.
5. On specific query being put to the State counsel, on verification of case diary as also the postmortem report, he submits that there is no grievous injuries detected on any of the vital parts of the body and that the major injuries which have been detected also is fracture of tibia and fibula bone of the right leg of the deceased. Another aspect which cannot be lost sight of is the fact that the deceased did not die on the same day. He sustained injuries on 17.12.2017 and died on 19.12.2017 in the course of treatment.
6. Given the aforesaid facts more particularly there being no definite opinion of the doctor of deceased having died of any other reason except for the fracture of tibia and fibula bone, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
7. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge