

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3933 of 2018

Shyamlal @ Lal Harijan, aged about 32 years S/o Shri Balchand Harijan,
Occupation- Service (SECL, Bhatgaon), R/o Village Baraundhi (Patwaripara)
P.S. Bhatgaon, Distt. Surajpur (C.G.).

--- Applicant

Versus

State of Chhattisgarh: Through- Police Station- Bhatgaon, Distt. Surajpur
(C.G.).

---- Respondent

For Applicant	:	Mr. Dashrath Kushwaha, Advocate
For Respondent	:	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

02/07/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 56/2018 registered at Police Station- Bhatgaon, Surajpur (C.G.) for the offence punishable under Sections 294, 506 and 302 of IPC.
2. As per prosecution story on 14/04/2018, an FIR was lodged by the complainant- Parvati Devi, wife of the deceased- Dashrath alleging therein that on 06/04/2018 at about 12 O'clock, present applicant- Shyamlal and other co-accused- Tarachand came to her house and taken the husband of the complainant to picture. Thereafter, they came back at 8:00 pm, at that time all were in drunken condition. Both the accused started quarrel which was interfered by Dashrath, on which, the applicant used filthy language to Dashram and threatened him to kill by saying who are you to interfere between us. It is further

alleged that the applicant by gripping the throat of the deceased thrown him on the earth. The deceased became unconscious. He was shifted to hospital and during the course of treatment, he died on 15/06/2018. The applicant was arrested on 27/04/2018.

3. Learned counsel for the applicant submits that FIR was lodged after 8 days of the incident and the delay in lodging the same has not been properly explained. Initially offence under Section 323, 294 and 506 of IPC was registered and after the death of deceased, Section 302 was added. He further submits that there is nothing on record which shows that offence under Section 302 is made out. He prays for releasing of the applicant on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties and have perused the medical report of the deceased dated 15/04/2018 of Mahadev Super Speciality Hospital and also the statement of other witnesses recorded under Section 161 of Cr.P.C.
6. Considering the above facts and circumstances of the case, particularly considering the medical report of the deceased dated 15/04/2018 of Mahadev Super Specialty Hospital and also the statement of other witnesses, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is rejected.

Sd/-
Judge
Arvind Singh Chandel