

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7276 of 2018**

1. Laxmi Prasad Banchhor S/o Shri Madan Banchhor Aged About 20 Years R/o Village Bhagatdeori ,thana Sankra Civil And Revenue District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
2. Akshay Joshi S/o Shri Basant Joshi Aged About 22 Years R/o Village Bhagatdeori, thana Sankra Civil And Revenue District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
3. Arun Yadav S/o Shri Saieta Yadav Aged About 23 Years R/o Village Bhagatdeori, thana Sankra Civil And Revenue District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer Police Station Sankra,
District- Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicants : Shri Sunil Sahu, Advocate.
For the Respondent/State : Shri Neeraj Kumar Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.10.2018**

Heard.

1. This is the second bail application of the applicants. The first bail application of the applicants was dismissed as withdrawn in M.Cr.C. No.1716 of 2018 dated 27.06.2018. The applicants have been arrested in connection with Crime No.143 of 2017, registered at Police Station – Sankra, District Mahasamund, Chhattisgarh for the offence punishable under Sections 394 and 302 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 23.9.2017 and have been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. No case of

murder is made out against the applicants on the basis of the evidence present on record. The incident took place on 22.9.2017 and subsequent to which, deceased Manoj was admitted in the hospital and discharged after treatment of his injuries. The death of the deceased has taken place subsequently and according to the postmortem report, the cause of death is septicemia and cardiorespiratory arrest which is not a direct result of the injuries caused to him. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicants have been identified by the witnesses as the persons who assaulted the deceased and caused injuries, which resulted in his death. Hence, for this reason, the applicants are not entitled for grant of regular bail.

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

5. The case against the applicants is that on 22.9.2017 these applicants assaulted and thrashed deceased – Manoj and complainant – Santosh Yadav for the purpose of looting Rs.20,000/- cash from their possession. Deceased – Manoj was admitted in the hospital, later on, discharged from the hospital and he died subsequently. Hence, this case.

6. Considering the submission that the injuries caused to the deceased were not directly resulted in his death whereas, septicemia itself is a cause which occurs when any injury is not treated properly, as also considering all the material in this case, I am of the considered opinion that the applicants

deserve to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge