

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 7514 of 2018**

Rameshwar Baghel @ Chhotu S/o Late Bhagwati Aged About 36 Years R/o Vishw Baink Colony, Bhilai-3, Police Station - Purani Bhilai, Tahsil And District - Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through - District Magistrate/station House Officer, Police Station - Purani Bhilai 3, District - Durg, Chhattisgarh.

----Non-applicant

For Applicant	:	Dr. N.K. Shukla, Senior Advocate along with Mr. Tarun Dansena, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/11/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 237/2018 registered at Police Station Purani Bhilai, District Durg, Chhattisgarh for the offence punishable under Section 302 of Indian Penal Code.
2. The present applicant is in jail since 03.07.2018 in connection with the aforesaid Crime number.
3. The allegation against the present applicant is that the present applicant on 01.07.2018, at round 8:30 PM is said to have assaulted the deceased Kundanlal Verma and dragged him to the house of Kundanlal Verma, where he gave a hard push to the deceased and as a result the deceased fell on the floor and his head hitting a brick, as a result of which the deceased received grievous injuries and later succumbed to the injuries.

4. The counsel for the applicant submits that it is a case where the applicant's never had an intention of killing the deceased. He further submits that it was a case where the deceased used abusive language on the said date against the applicant and the present applicant had only tried to persuade the deceased and was trying to take him to his house to leave him there. He further submits that the deceased accidentally fell on the floor and his head struck a brick lying on the floor resulting in an injury and thus the death did not take place on account of the assault given by the present applicant, but was an accidental injury received.
5. The State counsel on the contrary opposing the bail application submits that it is a case where there is a statement of one eyewitness Nayan Kumar Nirmalkar, who has specifically stated of witnessing the applicant assaulting the deceased and thereafter falling down hitting the brick which resulted in the death.
6. Having heard the contentions put forth on either side and on perusal of the record, the cause of the death of the deceased from the postmortem report is on account of head injury. The statement of eyewitness Nayan Kumar Nirmalkar as also other witnesses would clearly reflect that the applicant having dragged the deceased from his house to the house of the deceased had given him a hard push and as a result of the push the deceased fell down and the head of the deceased collided with a brick lying on the floor. This statement of the eyewitness corroborates with the postmortem report also.
7. Given the said facts, prima facie this Court is of the opinion that the applicant never had an intention of killing the deceased; therefore

prima facie a strong case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.

8. 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge

Ved