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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1205 of 2018**

Shrikant Soni S/o Late Durga Prasad Soni Aged About 32 Years R/o- Gol Bazar, Bilaspur, Police Station- City Kotwali, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station- City Kotwali, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 1327 Of 2018**

Rakesh Dubey S/o Shri Late Janki Prasad Dubey Aged About 32 Years R/o Khowa Mandi, Gondpara, Bilaspur, Police Station- City Kotwali, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, City Kotwali, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Suryakant Mishra, Advocate.
For the Respondent/State	:	Shri Ravindra Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.11.2018**

Heard.

- Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime No.206 of 2018 registered at Police Station – City Kotwali, Bilaspur, District Bilaspur, for the offence punishable under Sections 451, 294, 506 and 302/ 34 of the Indian

Penal Code and Sections 4 and 5 of the Chhattisgarh Tonhi Pratadna Adhiniyam.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. The incident is alleged to have taken place on 5.5.2018 and on the basis of the FIR, the offences were registered under Sections 451, 294, 506 and 302/ 34 of the Indian Penal Code and Sections 4 and 5 of the Chhattisgarh Tonhi Pratadna Adhiniyam. The complainant has died after 40 days of this incident because of natural reasons and these applicants have been falsely implicated for the offence of murder regarding which there is no evidence present. Hence, it is prayed that the applicants in both the cases are entitled for grant of anticipatory 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 according to the postmortem report the death of the deceased has occurred later but the result had been because of the injury caused to him on his head. Hence, the applicants in both the cases are not entitled for grant of anticipatory bail.

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

5. A written complaint was given by Shatruhan Tiwari stating that on the night of 5.5.2018 at about 12:00 am these applicants and one another co-accused came to his house, forced their entry and then assaulted him with hands and fists saying that he is a sorcerer and doing sorcery. Applicant – Rakesh Dubey in M.Cr.C.(A) No. 1327 of 2018 also threatened to kill him by

displaying a firearm. Thereafter, they used abusive words calling him as sorcerer. On the basis of this information, FIR was lodged on 6.5.2018 registering the offences under Sections 451, 294, 506 and 302/ 34 of the Indian Penal Code and Sections 4 and 5 of the Chhattisgarh Tonhi Pratadna Adhiniyam.

6. The medical examination revealed injuries caused to the deceased on the date of examination i.e. 6.5.2018. The deceased died on 5.6.2018. Subsequent to which, in the postmortem report it has been found that the deceased had suffered head injury and which has resulted in his death and on that basis, the offence of murder had been registered against the applicants.

7. On perusing the documents of hospital admission of the deceased, it appears that he was admitted in the hospital on 10.5.2018 with an injury of fracture in frontal and parietal bone of skull which was treated but the deceased succumbed to injuries on 5.6.2018. As there is evidence on record that these applicants and one co-accused had been a party in the assault made on the deceased and the cause of death also appears to be connected with the said assault, hence, I do not feel inclined to grant anticipatory bail to the applicants in both the cases.

8. Accordingly, the bail applications filed by the applicants in both the cases under Section 438 of the Cr.P.C. are rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge