

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9272 of 2018**

Rudra Prasad, S/o Shri Moon Sai Uraon, Aged About 37 Years, R/o Village- Udaipur Dhab, Out Post Manipur, Police Station Ambikapur, District- Surguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through In-Charge, Out Post Manipur, Police Station Ambikapur, District Surguja (C.G.)

---- Respondent

For Applicant : Mr. S.A. Ansari, Advocate.

For State : Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

11/12/2018

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 23.6.2018 in connection with Crime No. 305/2018 registered at Outpost- Manipur, Police Station Ambikapur (Surguja) (C.G.), for the offence punishable under Sections 302, 146, 148 & 149 of the Indian Penal Code, 1860.
2. As per the case of the prosecution, one dead body of unknown person was found on 22.6.2018 and it is alleged that a group of people assaulted the deceased on the assumption that he is a thief of children.
3. Learned counsel for the applicant submits that the applicant has been charge-sheeted on the basis of general statement and one alleged video of the incident, but the same is not tallied with the medical expert. As per the opinion of the

medical expert, the deceased died of head injury but there is no evidence regarding the applicant has caused head injury to the deceased, therefore, the applicant may be released on bail.

4. On the contrary, learned State counsel opposes the application for grant of bail.
5. Perused the entire material available on record.
6. Looking to the facts and circumstances of the case and further looking to the fact that the video which is collected by the authorities is not certified as per the provisions of the Indian Evidence Act, 1872, without further commenting on the merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial court regularly on each and every date, unless exempted from appearance.

Certified copy today as per rules.

Sd/-
(Ram Prasanna Sharma)
Judge