

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 101 of 2019

- Chandrashakher Baghel S/o Phool Singh Baghel Aged About 20 Years R/o Tererkutti Para Maharanapratap Ward Jagdalpur District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Parpa District Jagdalpur Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant	: Shri D.R. Minz, Advocate.
For Non-applicant	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

28.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 108/2018 registered at Police Station – Parpa District Jagdalpur (C.G.) for the offence punishable under Section 302 of the Indian Penal Code.
3. Case of the prosecution, in brief is that deceased Vijay Kashyap was the resident of Maharanapratap Ward, Jagdalpur. On 14.07.2018 at about 11:30 hrs at Khaprabhatti, Jagdalpur applicant caused injuries on the abdomen and left thigh of the deceased Vijay Kashyap by cock knife, as a result of injuries, he died on 20.07.2018. As per the postmortem report death was due to cardio respiratory failure as a result of abdominal injury and its complications.
4. Learned counsel for the applicant argued that applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Counsel for the applicant further drew my attention on the examination report of the deceased where it has been mentioned that injuries were caused due to fall from bike. He also drew my attention on the diagram of the knife, he submitted that FIR is delayed, as per the RFSL report blood was not found on the alleged knife, death was caused due to medical negligence.
7. Aforesaid facts are the subject matters of scrutiny of evidence which can be done by the trial Court at the time disposal of the case.
8. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE