

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 455 of 2019**

Rakesh @ Rajesh Thakur S/o Shri Punit Ram Thakur Aged About 30 Years R/o Prem Nagar, Mova, Near Ashirwad Kirana Shop, Police Station- Mova, Raipur, Tahsil And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Civil Line Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh .

---- Respondent

MCRC No. 554 of 2019

Jwalarao S/o Shri Prakash Rao Aged About 38 Years R/o Saddu Mova, B. S. U. P. Colony Beside Science Center, Block No. 3, House No. 32, Police Station Vidhan Sabha, Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Civil Line Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh .

---- Respondent

For the Applicants	:	Shri Awadh Tripathi, Advocate
For the State	:	Shri Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**22/02/2019**

- Both the bail applications arise out of same Crime No. 551/2018 registered at Police Station Civil Line Raipur, District Raipur for the offence punishable under Sections 302, 114 read with 34 of IPC, therefore, they are being heard analogously and decided by this common order. Both the bail applications filed under Section 439 of CrPC.
- Case of the prosecution, in brief is that the name of the deceased is Ganesh Ram Dhruv. On 22/10/2018 about 6 p.m. deceased, applicants were consuming liquor. A quarrel was happened between the deceased and applicants. Applicants Jwalarao had caused the injuries on left hand and near the right elbow by some wooden rolling board (pata). He was admitted in SRS Hospital. Thereafter he was admitted in Ramkrishna Care Hospital Raipur, where he died on 02/11/2018. As per the

postmortem report of the deceased cause of death due to cardio respiratory failure as a result of upper limb injury and their complications.

3. Learned counsel for the applicants submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
4. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.
5. Counsel for the applicants drew my attention on the true copy of the paper of SRS Hospital dated 24/10/2018 wherein it has been mentioned that trauma due to fall on floor as per attendants and patient's himself, on the true copy of consent letter dated 24/10/2018 wherein it has been mentioned that due to accidental case doctor advised to lodge the report in a Police Station, on the photocopy of death summary wherein it has been mentioned that chronic alcoholism and alcoholic withdrawal encephalopathy. He further submitted that in the case in hand charge-sheet has been filed, applicants are in jail since long back. There is no nexus between injuries of the deceased and his death, thus they may be released on bail.
6. Counsel for the applicants placed reliance in the matter of **Shaikh Karimullah @ Babu and others vs. State of .A.P.**, SLP (Criminal) No.6657 of 2007 and **Md. Isak Md. And others vs. State of Maharashtra**, Criminal Appeal No.448 of 1974 decided on 23/03/1979.
7. At this stage this Court cannot consider the merits or demerits of the case while deciding the bail application it is not expected that Court may does appreciation of evidence, scrutinized them. Thus at this stage applicants does not get any help from aforesaid judgments of Supreme Court in the matter of *Shaikh Karimullah @ Babu and others* and *Md. Isak Md. And others* (supra).
8. Looking to the facts and circumstances of the case, looking to the material available on record against the applicants, this Court is not inclined to give the benefit under Section 439 of CrPC to the applicants. Accordingly, bail applications are rejected.

Sd/-
(Sharad Kumar Gupta)
Judge