

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2274 of 2019

- Deepu @ Vikram Singh S/o Malkhan Singh Aged About 28 Years R/o Qr. No. 415 Ward No. 39, Ayodhya Puri Korba, Tahsil and District Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through P. S. Darri, District Korba, Chhattisgarh.

---- Respondent

For Applicant	: Shri Hanuman Prasad Agrawal, Advocate.
For Respondent/State	: Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

18/04/2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the Applicant for grant of regular bail. The Applicant has been arrested on 29.09.2018 in connection with Crime No. 231/2018 registered at Police Station – Darri, District – Korba, Chhattisgarh for the offence punishable under Section 302 of the Indian Penal Code.
2. It is submitted on behalf of the Applicant that the Applicant has been falsely implicated in this case. No case is made out against him under Section 302 of the IPC. He is in jail since 29.09.2018. According to the statement of the eye-witnesses, the only case which is made out against Applicant is of simple assault caused to the deceased. Hence, under this circumstance, it is prayed that he may be granted bail.
3. Learned Counsel for the State/Non-Applicant opposes the bail application and submits that there are several witnesses in this case. As per the post-mortem report, deceased died due to hemorrhage

shock and excessive bleeding from his private parts. Therefore, looking to the above, Applicant should not be enlarged on bail.

4. Heard learned Counsel for the parties and perused the case diary.
5. Allegation against the present Applicant is that on the date of incident, the Applicant and deceased Santosh Singh engaged in some quarrel wherein the Applicant assaulted the deceased with hand, fists and bricks. Subsequently, deceased died. Post-mortem report discloses that it is a homicidal death.
6. After considering all the facts and circumstances of the case and looking to the entire material present in the case diary, I do not feel inclined to allow this application.
7. Consequently, the application filed by the Applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.
8. However, the Applicant shall have liberty to file application after examination of the eye-witnesses and witnesses of autopsy.

Sd/-
(Rajendra Chandra Singh Samant)
Judge