

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3367 of 2019

1. Samaya Lal, S/o. Late Ram Singh Gond, Aged About 47 Years,
 2. Chhotelal, S/o. Late Ram Singh Gond, Aged About 59 Years,
- Both are R/o. Village Murkil Semar Behara Para P.S. Kotadol Tahsil Bharatpur, District- Korea, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh, Through : S.O. P.S. Kotadol, District- Korea, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Vinod Tekam, Advocate
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.6/2019, registered at Police Station –Kotadol, District – Korea (C.G.) for the offence punishable under Section 302, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants regarding commission of offence of murder. The applicants are in jail since 20.03.2019. On perusal of the statement of the witnesses itself it is very clear that there had been simple manhandling and pushing done on the part of the applicants because of which, the deceased had fell down. The postmortem report also does not reveal that any such cause of death, which may have

resulted because of the act of these applicants. Therefore, the prosecution of these applicants is misconceived and without any evidence. Therefore, it is prayed that the applicants be granted regular 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 the doctor against the query made has reported that death may have been caused due to the fall of the deceased, therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case on the date of incident, the applicants and the deceased Sahdev Singh had altercation on account of tilling of land. While the deceased was manhandled by the applicants, he fell down on stone surface and after sometime the deceased walked on the ground and again fell down and died on the spot. Hence, the FIR has been lodged against these applicants.
6. Considered on the submissions made and the contents of the case diary. On perusal of the postmortem report, it appears that no opinion has been given regarding cause of death of the deceased and there is no finding recorded externally or internally on the body of the deceased, therefore, it appears that the applicants have defensible case, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram