

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3685 of 2019

- Manish Sharma S/o Mr. Chotelal Sharma, Aged About 26 Years, R/o Mandhar Colony, Near Tekari Barrier, Durga Nagar, Police Station Vidhansabha, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, through the Police Station Vidhansabha, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Raza Ali, Advocate.

For Non-applicant/State – Shri Devendra Pratap Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-07-2019

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 04-10-2018 in connection with Crime No.367/2018 registered at P.S. - Vidhansabha, District Raipur, Chhattisgarh for the offence under Section 302 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant has not committed any offence. The only allegation against this applicant is this, that he has thrashed the deceased about 18 days prior to his death, which maybe an offence of causing simple hurt. The deceased has expired 18 days later and in the postmortem report it is reported that cause of death was cardio respiratory failure due to multiple pathology and its complications, therefore, this death is not connected with the thrashing given by the applicant. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application

and submits that because of the injuries caused by this applicant, the deceased has expired, therefore, his application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, on 01-10-2018 on account of some dispute this applicant thrashed and assaulted the unknown deceased with hands and fists. The deceased was admitted in the hospital where he died during the course of treatment on 18-10-2018.

6. The postmortem report does not mention that the death of the deceased was homicidal and apart from that, there is no eye-witness in this case. Therefore, looking to the facts and circumstances of this case, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge