

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9279 of 2018**

- Manuram @ Mansingh, S/o Ghunuram Gond, aged about 70 years, R/o Siinghanppuri, Police Station – Bhoramdev, Tahsil – Bodla, District- Kabirdham, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through District Magistrate, Kabirdham/Station House Officer, P.S. Bhoramdev, District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	: Shri Dharmesh Shrivastava, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**28/01/2019**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 45/2018, registered at Police Station – Bhoramdev, District - Kabirdham, (C.G.) for the offence punishable under Sections 294, 323, 506, 302, & 34 of the IPC.
2. As per the prosecution story, on 10.10.2018, present Applicant alongwith co-accused Mani Gond where demanding money for liquor from Ramsingh Baiga (deceased). When Ramsingh refused to give money to them, both, Applicant and Mani Gond abused Ramsingh in filthy languages and assaulted him by hand and fists. Allegedly, co-accused Mani Gond assaulted him by a wooden plank which was lying nearby. Ramsingh Baiga sustained injuries in this quarrel and

thereafter, during treatment, on 14.10.2018, he died. Initially, on 13.10.2018, report was made by Radhe Baiga, S/o Ramsingh Baiga, on the basis of which offence under Sections 294, 323, 506, 34 of the IPC has been registered and after the death of deceased Ramsingh, offence under Section 302 of the IPC has been added. The present Applicant has been taken into custody on 15.10.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further states that, on the basis of evidence collected by the prosecution, there is no any offence under Section 302 of IPC can be made out against the present Applicant. Allegedly, the present Applicant assaulted the deceased with hand and fist only. He also states that, as per the MLC report, deceased sustained total four injuries which are simple in nature and there is no any injury in the vital part of the body of the deceased. At that time, no injury was found on the chest of the deceased but as per the post-mortem report, it was opined that there was injury in the chest also, which is suspicious. The present Applicant is in the custody since 15.10.2018 and trial is likely to take some time. Therefore, he may be enlarged on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence

collected by the prosecution and further considering the fact that the Applicant is in custody since 15.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)

Judge