

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9512 of 2018**

1. Mahaveer Verma, son of Shri Panchu Ram Verma, aged about 45 years.
2. Guneshwar @ Sonu Verma, son of Shri Mahaveer Verma, aged about 19 years.

Both are resident of Ward No.4, New Krishna Nagar, Supela, P.S. Supela Bhilai Nagar, District Durg (CG).
---- Applicants

Versus

State of Chhattisgarh, through Station House Officer, Police Station Supela, District Durg (C.G.).
---- Non-applicant

For Applicants	: Mr. Raghvendra Pradhan & Mr.D.S. Rajput, Advocates
For Non-applicant	: Mr. Ramakant Pandey, Panel Lawyer
For Objector	: Mr. Praveen Dhurandhar, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

11.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.804/2018 registered in Police Station Supela, District Durg for the offence punishable under Sections 365 & 302/34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 05.09.2018 at about 9:30 a.m. near the Pump House, Supela, the applicants, co-accused Toman Verma had beaten the deceased Basant Sen by hands and fists and they also slapped him. They admitted the deceased in Supela Hospital and, thereafter they referred the deceased in the Government Hospital, Durg. The said deceased was died during the treatment in Government Hospital, Durg on very day. In the postmortem report of the said deceased, it has been mentioned that cause of the death is antemortem head injury. As per postmortem report, 08 antemortem injuries were found in the body of the said deceased.
4. Counsel for the applicants submits that the applicants have not committed any offence and have been falsely implicated in the case. He further submits that due to heavy consumption of liquor, the said deceased fell down from stairs due to which he got injury and ultimately he was died and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicants however he submits that no criminal antecedent is reported against the applicants in police case diary.
6. In support of the case, counsel for the applicants drew my attention on the enclosed true copy of charge, which is a part of bail application wherein the charge punishable under Section 302 (1) read with 34 of IPC has been

framed against the applicants.

7. At this stage, it cannot be said that due to heavy consumption of liquor, the applicant fell down from the stairs due to which he got injury on his body.

8. Looking to these facts and circumstances of the case, looking to the seriousness of the offence; and looking to the impact of granting bail to the applicants on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicants. Consequently, the bail application is rejected.

9. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

L/-