

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 998 of 2020**

- Chhotu Ram Kashyap S/o Aktram Kashyap Aged About 18 Years R/o Village Saindal, Police Station Urga, District Korba Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station AJAKS Korba, District Korba Chhattisgarh

---- Respondent

For Applicant	:	Shri G.R.Miri and Shri Basant Kaiwartya, Advocates
For State	:	Shri Alok Bakshi, Addl. Adv. Gen.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/03/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.240/19 registered at Police Station – AJAKS, District – Korba (C.G.) for alleged commission of offences under Section 302 of IPC and Section 3 (2) (V) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution is that the applicant assaulted the deceased, due to which, he died after four days of the incident.
3. Learned counsel for the applicant submits that even according to the case of the prosecution, the alleged assault had taken place on 22/09/2019 whereas death had taken place on 26/09/2019 and further that there are no specific external injury but only internal injuries. Therefore, present is not a case of commission of offence under Section 302 IPC. He submits that the applicant is a juvenile and he has to appear in the examination and if he is not released, it may cause serious obstruction.
4. Learned State counsel opposes bail application.

5. As far as the aspect of juvenility is concerned, the applicant is at liberty to move appropriate application before the Trial Court for making enquiry on this aspect. As the death is a direct outcome of the assault alleged to have given, no case of grant of bail is made out. The bail application is, accordingly, rejected.

After the result of enquiry before the Trial Court, the applicant would be at liberty to revive this application.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge