

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1508 of 2020

Vijay Kumar Kaneri S/o Bharat Lal Aged About 32 Years R/o Village- Urtum,
Police Station- Sarkanda, District- Bilaspur, Chhattisgarh., District : Bilaspur,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Police Station- Sarkanda, District- Bilaspur,
Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri UKS Chandel, Advocate
For State	:	Shri Ravish Verma, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/08/2020

Heard.

1. The applicant has been arrested in connection with Crime No. 794/2019 registered in Police Station -Sarkanda, District -Bilaspur (CG) for alleged commission of offence under Sections 294, 506, 323, 307 and 302 IPC.
2. Case of the prosecution, in brief, is that the applicant committed murder of the deceased by throwing him on the floor which resulted in fatal injury.
3. Learned counsel for the applicant argues that there was no intention to cause death. He would submit that the applicant had not used any weapon. It was only a case where the applicant thrown the deceased on floor and no further attempt was made. He would also submit that the incident happened on 3.9.2019. Thereafter, the deceased was admitted in the hospital. He was treated and then he was discharged on 2.10.2019. Death took place on 24.10.2019. Therefore, it cannot be said that the death was a direct outcome of the injury, but, it could possibly be because of lack of

proper treatment. Learned counsel for the applicant submits that the investigation is complete, charge sheet has been filed and the applicant is in jail since 1.10.2019 and at present, there is no likelihood of early conclusion of trial. He would submit that in these circumstances, the applicant has an arguable case that the offence is only under Section 323 IPC or that at the most under Section 304 Part-II IPC.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that the prosecution witnesses, who have seen the incident, have stated that because of previous enmity, at the spot, a quarrel took place between the applicant and the deceased and the applicant gave threat to kill and then threw the victim on the floor, due to which, victim sustained severe injuries. Learned counsel for the State further submits that though the deceased was treated and discharged on 2.10.2019, the postmortem report states that the cause of death was injury and its complications.
5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that the applicant had not used any weapon and the overt act is of throwing the deceased on floor and further that the deceased was discharged from the hospital on 2.10.2019 and then died at the residence on 24.10.2019, in the present case, without further commenting on merits of the case, I am inclined to grant bail to the applicant.
6. The application is accordingly 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/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge