

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3909 of 2020

Parmanand Rathiya S/o Chandrabhan Rathiya Aged About 42 Years R/o Village Rengalbahari, Police Station Ghadghoda, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Ghadghoda, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Shri Rajat Agrawal, Advocate
For State	:	Shri Alok Bakshi, Addl. A.G.

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

Order On Board

19/08/2020

Heard.

1. The applicant has been arrested in connection with Crime No. 45/2020 registered in Police Station -Ghadghoda, District- Raigarh (CG) for alleged commission of offence under Section 302 IPC.
2. Case of the prosecution, in brief, is that when the applicant-accused was quarreling with father of the complainant, the applicant came in and pushed the deceased into cooking container containing boiling water which resulted in severe burn injury and death.
3. Learned counsel for the applicant would submit that the diary statements of the prosecution witnesses only reveal that the incident happened all of a sudden and it was unfortunate that because of loss of balance, the deceased fell into kadhai (container) containing boiling water and died.

Learned counsel for the applicant submits that the circumstances in which the unfortunate incident happened, it cannot be said that the applicant had any intention to kill the deceased. He had only pushed the deceased away and deceased unfortunately fell into the boiling water container. He submits that as the investigation is complete and charge sheet has been filed, the applicant may be granted bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that the very act of the applicant in pushing the deceased into a container of boiling water, prima facie shows that the applicant had the intention to cause death of the deceased.
5. Having considered the submissions made by learned counsel for the parties, particularly taking into consideration the alleged act of applicant pushing the deceased into a container of boiling water, I am not inclined to grant bail to the applicant.
6. The application is therefore rejected. However, in case the trial does not take place within a reasonable time, it would be open for the applicant to revive the bail application.

Sd/-
(Manindra Mohan Shrivastava)
Judge