

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5950 of 2020**

- Sandeep S/o Surendra, Aged About 24 Years R/o Village Jagannathpur, Police Station Pratappur District Surajpur Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through - Station House Officer, Police Station Jainagar (Chowki Latori), District Surajpur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Pushpendra Kumar Patel, Advocate.
For State	:	Ms. Veena Nair, Dy. Advocate General

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****26-11-2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 12-3-2020 in connection with Crime No. 37 of 2020 registered at Police Station Jainagar (Chowki Latori), District Surajpur (CG) for the offence punishable under Section 302/34 of IPC.
2. The case of the prosecution is that the complainant Shivrathi Lakda lodged a report in the Police Station alleging that his younger brother deceased Suraj Lakda with cousin brother Sandeep Lakda had gone to village Karampur where the deceased Suraj Lakda had love affair with Kumari Chanda and

on 26-1-2020 in the evening deceased Suraj Lakda along with Kumari Chanda had gone to village Chhatarpur and on the date of incident i.e. on 27-1-2020 applicant with other co-accused assaulted the deceased by bamboo stick, as a result of which he sustained grievous injuries and deceased was admitted in the hospital where he died during the treatment, thereby the applicant has committed the aforesaid offence.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and he has not committed any offence. He further submits that there is no criminal history against the applicant except the present case and the applicant has been wrongly arrested by police on the basis of memorandum of statement. He would further submit that the applicant is in custody since 12-3-2020 and trial is likely to take some time for its disposal, therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the respondent/State opposes the bail application and submits that there is material evidence against the applicant and even medical evidence also supports the case of the prosecution, therefore, the applicant is not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the record.
6. Perused the deposition of Mitlesh Minj in which he has stated that he saw the deceased Suraj Lakda in injured condition and on

being asked as to who caused the injuries to him, he replied that Sandeep Lakda and Alok Toppo assaulted him on his head and other parts of his body by bamboo stick and thereafter the deceased was admitted in hospital where he died. As per medical report, injury was found on the right parietal region of the head and other parts of the body of the deceased. The doctor who examined the deceased opined that cause of death was due to hemorrhagic shock and it was done within 24 – 30 hours.

7. Considering the facts and circumstances of the case and further considering the statement of Mitlesh Minj and postmortem report of the deceased and the manner in which the accused has committed the offence, I am of the opinion that it is not a fit case to enlarge the applicant on bail.
8. Accordingly, the bail application is liable to be and is hereby dismissed.

Sd/-

(Gautam Chourdiya)
Judge

Raju