

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6036 of 2020

1. Sonsai Miri, S/o. Shri Balaram Miri, aged about 35 years,
2. Subedas Miri, S/o. Shri Balaram Miri, aged about 40 years,
3. Ajay Miri, S/o. Shri Ramnath Miri, aged about 25 years,
4. Ramnath Miri, S/o. Shri Balaram Miri, aged about 30 years,

All are resident of Village – Panchdevri, P.S. Kharora, Tehsil Tilda, Distric – Raipur (CG)

---- Applicants

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station – Kharora, District – Raipur (CG)

---- Respondent

For Applicants : Shri Pushpendra Kumar Patel, Advocate.

For Respondent/State : Ms. Veena Nair, Dy. A.G.

Hon'ble Shri Gautam Chourdiya, J

Order on Board

27/11/2020

1. The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No.155/2020 registered at Police Station – Kharora, Civil and Revenue District - Raipur (CG) for the offence punishable under Sections 294, 323, 506, 302, 34 IPC.

2. The case of the prosecution in brief is that on 18.06.2020 a report was lodged by complainant Sunil Chauhan to the effect that on 17.06.2020 at 05:00PM, when he went to his agriculture field, he saw accused Subedas Miri ploughing the said field and on objection being raised by him, the accused Subedas started quarreling with him. However, thereafter on the same day at 06:00PM all the accused applicants after abusing him filthily and threatening of life, beat him with hands and fists. When Kiritram Chauhan, father of complainant, intervened, he was also assaulted by the applicants. Thereafter, Lata Chauhan and Narendra Chauhan, mother and brother of complainant intervened and took Kiritram Chauhan to home. As injured Kiritram Chauhan was complaining of chest pain, he was being taken to hospital by calling 108 ambulance, but he died on the way. The incident was witnessed by villagers namely Kuleshwar Nishad, Raju Chauhan and others. On the basis of the said report lodged by the complainant, the aforesaid offence has been registered against the applicants.

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. He submits that there was no intention on the part of the applicants to commit murder of the deceased and in-fact it so happened in the heat of passion upon a sudden quarrel when the deceased intervened in the incident of assault between the applicants and his son complainant Sunil Chauhan. As per prosecution case itself, deceased after being assaulted was taken to home by his

family members, where he had chest pain and while being taken to hospital, he died on the way. Further, the incident took place on 17.06.2020 whereas the report was lodged on 18.06.2020 without any explanation for the said delay.

4. Lastly, he submits that as per PM report and MLC report, it is evident that no external or internal injury was found on the body of the deceased and the cause of death of deceased is neurogenic shock. Further, as per MLC of the complainant Sunil Chauhan, he also did not suffer any injury in the alleged incident. Therefore, in the given facts and circumstances of the case and the evidence collected by the prosecution so far, the applicants be released on bail.
5. On the other hand learned counsel for the State opposes the bail application.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicants, in particular the fact that as per medical reports including the PM report no visible injury internal or external was found on the body of the deceased or the complainant and cause of death of the deceased was due to neurogenic shock and that conclusion of trial is likely to take some time, without commenting anything on the merit of the case, the application is allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court,

applicants shall be released on bail. They are directed to appear before the trial Court on each and every date given to them by the said Court, till disposal of the trial.

7. It is made clear that the applicants shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge

Ravi M.