

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6080 of 2020

- Sukda Mandavi S/o Dole Mandavi, Aged About 35 Years R/o Village Gadapal, Nakapara, Police Station City Kotwali, Dantewada, District South Bastar Dantewada (Chhattisgarh). **---- Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dantewada, District Dantewada Chhattisgarh. **---- Respondent**

For Applicant	:	Smt. Indira Tripathi, Advocate
For Respondent/State	:	Shri Rakesh Sahu, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01/12/2020

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973, as he is in jail since 04.09.2019 in connection with Crime No.101/2019, registered at Police Station Dantewada, District Dantewada (C.G.) for the offence punishable under Section 302 of I.P.C.
- 2) Prosecution case is that when the deceased Bhima Mandavi was sleeping in his house, the present applicant Sukda Mandavi, at that time, assaulted the deceased by hand, fist and club and run away. The deceased received grievous injuries and as a result of that he succumb to the same. Thereafter, report was lodged, matter was investigated and the applicant was arrested by the police.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. As per Kishore Singh Thakur (PW/3), the Forensic Expert, who examined dead body of the deceased, has stated that there is no external injuries. He next submits that there is no direct or indirect evidence available on record. As investigation is complete, charge-sheet has been filed and applicant is in jail since 04.09.2019. Therefore, he may be enlarged on bail.

- 4) On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that prima-facie case is made out because the present applicant and the deceased had enmity and due to which the applicant assaulted the deceased, later on, the deceased died. Therefore, it is not a case where accused/applicant enlarged on bail.
- 5) Having regard to the facts and circumstances of the case, the gravity of the offence, in particular the statement of Ranu Mandavi, the postmortem report and the evidence of autopsy Surgen, without expressing anything about merit of the case, this Court does not find present to be a fit case to release the applicant.
- 6) Accordingly, the bail application is rejected.

Sd/-

(Gautam Chourdiya)
Judge

Nadim