

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6423 of 2020**

- Lakhmuram Baghel S/o Anantram Baghel Aged About 26 Years R/o Mundagudapara Village Kumhali P.S. Bhunpuri District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh through the Police Station Bhanpuri, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant	:	Mr. Pravin Kumar Tulsyan, Advocate.
For State	:	Mr. Rakesh Sahu, Deputy Govt. Advocate

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****27-11-2020**

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 15-3-2020 in connection with Crime No. 34 of 2020 registered at Police Station Bhanpuri, District Bastar, (CG) for the offence punishable under Section 302 of IPC.
2. The allegation against the present applicant is that on on the date of incident there was a dispute between the applicant and deceased and the applicant has assaulted the deceased by hands and fists, as a result of which deceased sustained grievous injuries and thereafter he was admitted in hospital where he succumbed to his injuries, 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. He further submits that there is no any pre-intention to cause injuries to the deceased, charge sheet has been filed in this case, the applicant is in custody since 15-3-2020 and trial is likely to take some time for its disposal, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the respondent/State opposes the bail application and there is direct evidence against the applicant and there is also eye witness to the incident who informed the incident to the son of the deceased. He further submits that as per medical report, one injury was found on the head of deceased and the doctor who examined the deceased opined that death was due to hemorrhagic shock.
5. I have heard learned counsel for the parties and perused the record.
6. Considering all the facts and circumstances of the case, looking to the entire evidence collected by the prosecution and the statement of the witness recorded under Section 161 of the Cr.P.C., and further considering the medical report of the deceased, who died in the hospital and further considering the nature of offence in which manner the applicant committed the offence, I am of the opinion that it is not a fit case to grant bail to the applicant.
7. Accordingly, the instant bail petition is liable to be and is hereby dismissed.

Sd/-

(Gautam Chourdiya)
Judge

Raju