

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7574 of 2020

Vikash Nishad @ Vikku S/o Shri Krishn Kumar Nishad Aged About 21 Years
R/o Ramkund Vihar Colony, near Sulabh, Police Station Aazad Chowk ,
District Raipur Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer , Police Station
Aazad Chowk , District Raipur Chhattisgarh **---- Respondent**

For Applicant	:	Shri Y.C. Sharma, Advocate
For Respondent/State	:	Smt. Fouzia Mirza, Additional A.G.

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

Order On Board

16/12/2020

Heard.

1. The applicant has been arrested in connection with Crime No.25/2020 registered at Police Station- Aazad Chowk, District Raipur (CG) for the alleged commission of offence under Section 294, 323, 506, 34, 307, 302 of IPC.
2. Case of the prosecution is that the applicant and co-accused entered into quarrel and thereafter assaulted the deceased with hands and fists as also stone on the vital part resulting in head injury, due to which, the victim succumbed to death.
3. Learned counsel for the applicant would submit at this stage, that the main submission in support of prayer for grant of bail is whatever has been stated by the eyewitness of the incident and the circumstances in which the incident happened, it cannot be said that the injuries were inflicted on the deceased with intention to cause death but in a state of sudden quarrel, certain injuries were caused which unfortunately led to death therefore, it would not be a case of murder under Section 302 of IPC but at the most punishable under Section 304 Part II. He would further submit that the investigation is complete, charge-sheet has been filed and that the applicant is in jail since 06.02.2020, at this stage, when trial has also not concluded, the applicant

may be granted bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that the allegations are grave in nature. There were about 9 injuries found on the body of the deceased which includes injury on the vital part caused by hard object and according to the witnesses, the applicant and co-accused inflicted injury on the head which show the intention to cause death.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the gravity of allegation, present is not a fit case for grant of bail to the applicant. The application is therefore rejected.

(Manindra Mohan Shrivastava)
Judge