

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6097 of 2020

Srikant Soni @ Gunnu S/o Shri Durga Prasad Soni Aged About 34 Years R/o Golbazar Khowamandi, Tehsil And District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Bilaspur, Chhattisgarh

---- Respondent

And

MCRC No. 7934 of 2020

Ram Singh Parihar S/o Shri Chandra Kumar Parihar Aged About 25 Years R/o Gondpara PS City Kotwali Tahsil And Distt. Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station City Kotwali Bilaspur, Distt. Bilaspur, Chhattisgarh

---Respondent

For applicants - Shri Ashish Shukla and Shri Dharmesh Shrivastava, Advocates.

For Respondent/State – Smt. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

10/12/2020

1. Both these bail applications are decided by this common order as they are arising out of the same crime number.
2. The applicants have preferred these applications for grant of bail as they are arrested in connection with Crime No. 206/2018 registered in Police Station City Kotwali, Bilaspur (C.G.) for offence punishable under sections 351, 451, 294, 506, 323, 307, 302/34 of Indian Penal Code and Sections 4, 5 of Tonhi Pratadna Act.
3. As per the prosecution case on 5/05/2018 both the applicants

entered into the house of the deceased Shatrughan Tiwari and assaulted him by hand and fist at about 12.40 in the night which was reported and the injured was treated in different hospital and was operated for head injury and eventually succumbed to the injury.

4. Learned counsel for the applicants submits that no weapon was used and had there been any intention, they would have carried the weapon and there is no direct linkage is in between the outcome of the injury and the death. He submits that initially the bailable offence was registered and subsequently after the death non-bailable offence has been registered and the death was after 38 days of the incident, therefore no direct linkage can be established by the prosecution. He would submit that there is nothing on record to show that because of the injury caused by the applicants Shatrughan died, therefore the applicants may be released on bail.

5. Per contra, learned State counsel would submit that though the assault was by hand and fist it caused the head injury and cause of death is also due to head injury and its complication.

6. Considering the nature of the case, the way the offence has been committed, the applicants entered into the house of the deceased at about 12.40 in the night and thereafter assaulted him which eventually lead to operation and eventually he died, therefore at this stage this court is not inclined to release the applicants on bail.

7. Accordingly, both the bail applications are dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE