

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2073 of 2021

Anupkumar Mahant S/o Sohan Das, Aged About 19 Years R/o Village Songudha, P.S. Nagarda, District Janjgir Champa District : Janjgir-Champa, Chhattisgarh --- **Applicant**

Versus

State of Chhattisgarh through The Station House Officer, P.S. Nagarda, District Janjgir Champa , District : Janjgir-Champa, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Shailendra Dubey, Advocate.
For the Respondent	:	Mrs. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam BhaduriOrder on Board20.07.2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 103/2020 registered at Police Station Nagarda, Distt. Janjgir Champa (C.G) for the offences punishable under Sections 147, 341 & 302 of IPC.
2. As per the prosecution case, on 04th Sept. 2020 when deceased Ravi Shankar Shastri was returning after meeting his fiancée from the village, he was stopped by the present applicant and other accused, thereafter the deceased was assaulted by hands and fists, which resulted in death.
3. Learned counsel for the applicant would submit that the cause of death is electrocution and therefore the death was not caused by hands and fists and the eye witness Dilip Kumari was not constantly present during the entire incident.

Therefore, only on presumption that some quarrel took place between the applicants and deceased, the applicant has been inculpated.

4. Per contra, learned State Counsel read out the statement of Dilip Kumari & Sonam and submits that the bail of the co-accused Sanjay has been rejected by the coordinate Bench in M.Cr.C.No.1804 of 2021 on 17.05.2021, therefore, the case of the present applicant is also on similar footing.
5. Considering the nature of allegations and the fact that the bail of the co-accused has been rejected by the coordinate bench of this Court, I am not inclined to allow this application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**