

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7957 of 2020

1. Narendra Nath Kori S/o Late Shri Bholaram Kori Aged About 32 Years R/o Ward No. 39 , Tikrapara, Police Station City Kotwali, District Bilaspur Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station City Kotwali, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	Mr. Priyanshu Gupta, Advocate
For Respondent /State	Mr. Arjit Tiwari, Panel Lawyer

Hon'ble Mr. Justice Prashant Kumar Mishra

Order on Board

3/2/2021

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of the Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.178/2020, registered at Police Station City Kotwali, Bilaspur (CG), for the offence under Sections 323, 294, 506 & 302 of the Indian Penal Code.
3. As per the prosecution case Alok @ Loknath Kuri (since deceased) was sitting in front of his house at about 11.00 am

on 2-8-2020. The applicant reached there and started abusing him by saying as to why he sits on that place despite being told not to do so. The applicant thereafter assaulted the deceased by hand & fist; and thereafter lifted & threw him on the ground as a result of which he sustained injuries. Thereafter, he was admitted to hospital and later on died after 44 days. Initially the offence was registered under Sections 294, 506 & 323 of the IPC. In the postmortem report no serious external injuries were found. Death occurred due to shock (cardiogenic) as a result of myocardial infarction (MI) (cardiac arrest).

4. *Per contra*, learned counsel for the State would oppose the bail application.
5. Even though there are eyewitness to the incident, considering that the death has occurred after 44 days and the deceased happens to be the applicant's uncle and there is no apparent ill motive for commission of crime, I am of the opinion that present is a fit case to release the applicant on regular bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

7. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri