

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8347 of 2020**

1. Devendra Kumar S/o Shri Arjun Sahu Aged About 27 Years
2. Ghanshayam Sahu S/o Shri Arjun Sahu, Aged About 30 Years
3. Arjun Sahu S/o Shri Kanglu, Aged About 53 Years

All are Caste Teli, R/o Village Padkibhat, Police Station Gurur, District Balod Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through - S H O Police Station Gurur, District - Balod Chhattisgarh.

---- Respondent

For Applicants	:-	Mr. Avinash Chand Sahu, Advocate
For Respondent-State	:-	Mr. Ashutosh Mishra, PL
For Objector	:-	Mr. V.V.S. Murthy, Senior Advocate with Mr. Shantanu Kumar, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

24/02/2021

1. Heard.
2. This is an application filed under Section 439 of the Cr.P.C.
for grant of regular bail to the applicants, who have been
arrested in connection with Crime No.381/2020, registered

at Police Station Gurur, District Balod C.G. for the offence punishable under Sections 458, 294, 506B, 323, 34, 427 of the I.P.C.

3. As per the prosecution case, applicants have allegedly caused injuries over the person of deceased Naman Mishra by hand and fist in an incident which occurred at about 9.30pm on 20.09.2020. He died after six days i.e., on 26.09.2020. In the postmortem report, the cause of death has not been shown and the viscera has been sent for chemical analysis.
4. Learned State counsel and learned Senior counsel appearing for the objector would vehemently oppose the prayer for grant of bail on submission that the deceased has suffered injuries over his lungs and blood patches were found. According to them, the applicants who are habitual offenders are not entitled to be released on bail.
5. In so far as previous antecedent is concerned, the same does not involve any heinous offence attracting punishment of life imprisonment.
6. The applicants are in jail since 12.10.2020 and the charge-sheet has already been filed, therefore, considering that the applicants have not used any weapon for assaulting the deceased and the death occurred after six days of the incident, I am inclined to release the applicants on bail.

7. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules.

SD/-

(Prashant Kumar Mishra)
Judge

Ayushi