

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9290 of 2020**

1. Manikdas S/o Late Remdas Aged About 80 Years R/o Village Tunguri, Police Station, Darima, Tahsil Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Somari Bai W/o Manikdas Aged About 70 Years R/o Village Tunguri, Police Station, Darima, Tahsil Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicants**Versus**

- State of Chhattisgarh through Police Station Darima, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicants	:	Mr. Pushpendra Kumar Patel and Mr. Dashrath Kushwaha, Advocates.
For State	:	Mr. Vaibhav Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****29-01-2021**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as they are in jail since 4-9-2020 in connection with Crime No.58 of 2020 registered at Police Station Darima, District Surguja (CG) for the offence punishable under Section 302, 34 of IPC.
2. The case of the prosecution, in brief, is that on 16-4-2019 quarrel took place due to dispute between present applicants and deceased Sanjhobai and in the said quarrel present applicants

assaulted the deceased as a result of which deceased sustained injuries. Thereafter, she was admitted in hospital and during treatment she died in the hospital on 24-4-2019.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. He further submits that there is no evidence to connect the applicants with the crime in question, the injuries sustained by the deceased are not sufficient to cause of death. He further submits that the present appellants are aged about 80 and 70 years, the charge-sheet has been filed, they are in jail since 4-9-2020, conclusion of the trial is likely to take some time for its final disposal, therefore they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application
5. I have heard learned counsel for the parties and perused the case diary.
6. Perusal of the case diary shows that no ante-mortem injury was found on the body of the deceased and the injuries sustained by the deceased are not sufficient to cause of death.
7. Considering the facts and circumstances of the case, particularly, looking to the entire statements of the witnesses recorded by the Investigating Officer, as per postmortem report, no anter-mortem injury was found on the body of the deceased and the injuries sustained by the deceased are not sufficient to cause of death, looking to the age of the present applicants, charge-sheet has

been filed and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicants.

8. Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court. They shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicants are being granted bail on the following conditions:

- i. they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such fact to the Court,
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall not involve themselves in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

Raju