

HIGH COURT OF CHHATTISGARH, BIL

Order Sheet

MCRC No. 5794 of 2015

- Dhaniram Sen, S/o Ramlal Sen, Aged About 21 Years, R/o Village Adar, Police Station : Nandghat, Civil & Revenue District Bemetara Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station : Nevra, District Raipur Chhattisgarh --- **Respondent**

01.12.2015	Mr. Y.C. Sharma, counsel for the applicant. Mr. Ashish Shukla, Govt. Advocate, for the State. This is an application filed u/s 439 of Cr.P.C., seeking grant of bail to the applicant in connection with Crime No.117/2015 registered at P.S. Nevra, District Raipur (C.G) for the offence punishable u/s 302/34 IPC. As per the prosecution, on 24.05.2015 at about 10.30 p.m., the applicant along with two other co-accused Arun Sen and Satish had an altercation with deceased Ravi Shankar Sahu and subsequently Ravishankar was assaulted by hands and fists and knife & scissors by these applicants on his abdomen, chest, head and back side. Consequently the deceased has died on the next day. Learned counsel for the applicant submits that there is no direct evidence available against this applicant, only the evidence of altercation between the deceased and accused applicants is reported by the witness and apart from that, no evidence is available, therefore, he has been falsely implicated in this case.	

Rao	Per contra learned State Counsel opposes the bail and submits that according to the statement of Bharat Verma (P.W.7) and Rajendra Yadav (P.W.10) the altercation of the deceased with the present applicants has been stated by the witnesses which is followed by the memorandum recovery of the blood stained full shirt. Having regard to the totality of the facts and circumstances and the fact that the recovery is made on the basis of the statements made by the witnesses and the statements are to be appreciated by the trial Court at the time of trial, I am not inclined to release this applicant on bail, at this stage. Accordingly, the bail application is rejected. Sd/- GOUTAM BHADURI JUDGE	
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