

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7035 of 2015

1. Horilal Vishwakarma, S/o. Awadhram Vishwakarma, aged about 23 years, Caste-Lahar, R/o. Village-Parsada (B), Police Station & Post Office – Mahasamund, Tahsil and District – Mahasamund (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station – Mahasamund, District – Mahasamund (C.G.)

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.154/2015, registered at Police Station – Mahasamund, District – Mahasamund (C.G.) for the offence punishable under Section 302/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that 28.03.2015, a quarrel took place between the deceased Pardesi and the applicant and other co-accused, thereby the accused caught hold of the deceased, Pardesi and he was assaulted by co-accused, Champeswar by way of Axe.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he has not committed any offence and he was only present. He would further submit that the applicant is in jail since 29.03.2015, therefore, he prays that the

applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that applicant caught hold of the deceased and thereafter, he was assaulted by Champeshwar. Taking into the role played by this applicant at the time of the incident, I am not inclined to allow this application.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Balram