

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.400 of 2016

Pawan Kumar Batti, S/o Shyamuram, aged about 18 years, R/o Umarbahi,
P.S. Dongargaon, District Rajnandgaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station
Dongargaon, Civil and Revenue District Rajnandgaon (C.G.)

---- Non-applicant

For Applicant:	Mr. N.S. Dhurandhar, Advocate.
For Non-applicant:	Mr. Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.292/2015, registered at Police Station Dongargaon, Distt. Rajnandgaon, for the offence punishable under Sections 302, 201, 147, 120B read with Section 149 of the IPC and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that on 7-10-2015, the applicant along with several other co-accused persons murdered Chaitram Gond by strangulation and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, his case is identical to that of Prakash Yadav and Noklal Jangde who have been enlarged on bail by a coordinate Bench of this Court in M.Cr.C.No.232/2016 on 27-1-2016 and as such, he is in jail since 18-10-2015 and no useful purpose will be served by

keeping the applicant in jail.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, the manner in which Chaitram Gond was strangled by the applicant along with other co-accused persons on some dispute, evidence available in the case diary against the applicant and his case being distinguishable from the case of Prakash Yadav and Noklal Jangde, I do not consider it a fit case for grant of bail to the applicant. The application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge