

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3938 of 2016

Asgar Khan, S/o Ahmad Khan, Aged About 22 Years, R/o Basaira Khurd, P.S. Trikunda, District Balrampur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. Trikunda, District Balrampur, Chhattisgarh.

---- Respondent

For applicant - Shri Sunil Tripathi, Advocate.
For Respondent/State – Shri Om.P. Sahu, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/07/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.36/2014 registered in Police Station Trikunda, District Balrampur (C.G.) for offence punishable under sections 302 of I.P.C., read with Section 3 (2) (5) of Scheduled Castes and Sceduled Tribes (Prevention of Atrocities) Act.
2. As per the prosecution case, on 12/07/2014 on a dispute over a land the applicant assaulted the deceased Geeta Bai by way of a stick whereby she died.
3. Learned counsel for the applicant submits that the witnesses have been examined and examination of the witnesses would show that there was no intention to kill and case would not fall under Section 302 of IPC. He therefore submits that under the facts of this case, the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Considered the statement of the prosecution witnesses. For this court it would not be proper to evaluate the evidence and to give definite finding. It is for the trial court to evaluate the same after entire evidence is

placed on record and giving finding by this court will amount to deciding trial itself. Therefore, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE