

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4107 of 2016

- Shiv Ranjan Naik @ Shiv S/O Ramnag Naik Aged About 19 Years
R/O Deeptoli, Jashpur, P.S. - Jashpur, Distt. Jashpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through, Station House Officer, Police
Station Jashpur, Distt. Jashpur Chhattisgarh.

---- Respondent

For Applicant : Mrs. Indira Tripathi, Advocate

For Respondent/State : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27-07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 28-3-2016 in connection with Crime No. 81 of 2016 registered at Police Station Jashpur, District Jashpur (CG) for the offence punishable under Sections 302, 323, 34 of the IPC.
2. Case of the prosecution, in brief, is that on 24-3-2016 a report was made by complainant Mohammad Sahid Khan that he was working as a conductor and deceased Bablu was working as a driver of Rashid Bus, they went to their home town during Holi festival and when they were coming back, they were stopped by Rupesh, Ghashi, Shivrangan and Kishan and they demanded money for liquor from them and on being refused scuffle took place, at that time present applicant

along with other co-accused persons started assaulting them by hands and fists and while they were trying to run away, co-accused Rupesh caught hold of deceased Bablu and assaulted him by knife as a result of which deceased sustained injuries and succumbed to those injuries and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case, the main allegation has been made against the co-accused Rupesh and death was caused due to knife injury. He would further submit that the applicant is in jail since 28-3-2016, charge-sheet has been filed and no further investigation is required, therefore, he may be released on bail.
4. *Per contra*, learned State counsel opposing the bail application would submit that there is sufficient evidence to connect the applicant with the crime in question.
5. I have heard learned counsel for the parties and perused the case diary and other documents
6. Perused the statement of injured eye-witness Mohammad Sahid Khan which would show that the applicant along other co-accused persons demanded money for liquor from deceased Bablu and injured Mohammad Sahid Khan and on being denied they started assaulting them by hands and fists and at that time co-accused Rupesh assaulted Bablu by way of knife.

7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the manner in which the aforesaid offence was committed and further considering the statement of injured eye-witness, I am not inclined to release the applicant on bail.
8. Accordingly, the instant bail application is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju