

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1684 of 2016

Nemlal, S/o. Late Toran Lodhi, Aged About 28 Years, (wrongly mentioned as aged about 38 years in the order sheet), R/o. Kotra, Police Station & Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station Chhuikhadan, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Sharma, Advocate

For Respondent : Mr. Neeraj Kumar Sharma, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/06/2016

1. This is the 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 in connection with Crime No.321/2015 registered at Police Station- Chhuikhadan, District Rajnandgaon (C.G.) for the offence punishable under Section 302, 307, 294, 506/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 11.11.2015, the applicant along-with one Ramesh caused low fatal blow on the deceased Sekharam, thereby, he died and thereafter the FIR was made.
3. Learned counsel for the applicant submits that the FIR was made on 12.11.2015 and there is a contradiction in the statement that no allegation has been attributed to Nemlal and the allegations are attributed to Ramesh, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and statement of Bhagwat, the eye-witness, who has stated that the applicant caught hold of the deceased and thereafter assaulted was made by another accused. Taking into such statement of the eye-witness Bhagwat, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge