

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1914 of 2016

Luxminarayan, S/o Chaitram Satnami, aged about 35 years, R/o Village Ghutheli, Police Station Pathria, District Mungeli (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Police Station Pathria, District Mungeli (C.G.)

---- Non-applicant

For Applicant:	Mr. B.P. Banjare, Advocate.
For Non-applicant:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/04/2016

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.45/2011, registered at Police Station Pathria, Distt. Mungeli, for the offence punishable under Sections 147, 148, 294, 323, 307 and 302 read with Section 149 of the IPC and 25 of the Arms Act.
2. Case of the prosecution, in brief, is that on 19-2-2011, the applicant and five other co-accused persons caused death of Dinesh Yadav 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, five other co-accused persons have been tried and have been honourably acquitted by the jurisdictional criminal court. The applicant is in jail since 11-1-2016.
4. On the other hand, learned State counsel opposes the application

and submits that the applicant remained absconded and on 11-1-2016, he has been arrested only on the strength of the standing warrant of arrest.

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, role of the applicant and the fact that presence of the applicant could be secured only by the standing warrant of arrest, I do not consider it a fit case to enlarge the applicant on regular bail. The application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge