

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5303 of 2016

- Santosh Rajwade S/O Balchand Rajwade, Aged About 23 Years
R/O Near Sanjay Park, Chorka Kachhar, Ambikapur, District
Sarguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station : Kotwali Ambikapur, District Sarguja Chhattisgarh

---- Respondent

For Applicant : Mr. D.N. Prajapati, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08-09-2016

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 17-06-2016 in connection with Crime No. 395 of 2016 registered at Police Station Kotwali, Ambikapur, District Sarguja (CG) for the offence punishable under Section 302 of the IPC.
2. Case of the prosecution, in brief, is that on 15-6-2016 the applicant assaulted the deceased Bharat Yadav by way of brick on his head, as a result of which he sustained grievous injury and subsequently he died and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case because of fact that quarrel took place two days prior to the date of incident i.e., on 12-6-2016 and no evidence is available to inculcate the present applicant. He would further submit that the charge-sheet has been filed in this case, the

applicant is in jail since 17-6-2016 and no further evidence 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 present applicant with the crime, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the case diary and other documents.
6. Perused the statements of Madhusudhan Yadav and Smt. Lalita Yadav, parents of the deceased, who stated that the deceased informed them that he was assaulted by the present applicant by way of brick while he was lying.
7. Taking into consideration the facts of the case, nature and gravity of the offence and further considering the statements of the parents of the deceased, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed by the applicant under Section 439 of the Cr.P.C, is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju