

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 770 of 2017

- Jaybabu Shikari @ Kunu S/o Lughu Shikari, Aged About 29 Years
Caste Shikari, R/o Tejpur, Police Station Dharamjaigarh, District
Raigarh Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station
- Patthalgaon, District - Jashpur Chhattisgarh

---- Respondent

For Applicant : Mr. Umakant Singh Chandel, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-02-2017

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 on 5-9-2016 in connection with Crime No. 199 of 2016, registered at Police Station Patthalgaon, District Jashpur (CG) for the offence punishable under Section 307 and 302 of the IPC.
2. Case of the prosecution, in brief, is that on 4-9-2016 the applicant over a monetary dispute had assaulted one Dhuri Bai on her head as a result of which she fell down and died and one Sontariha Shikari, who is father-in-law of the deceased was also assaulted by the present applicant 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 and on sudden

provocation the incident happened. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 5-9-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail and would submit that sufficient evidence is available to connect the applicant with the crime in question.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statements of the eye-witnesses namely Nathuram, Mukesh and Kaushal Bai wherein direct allegations have been attributed to the present applicant.
7. Taking into consideration the facts and circumstances of the case, nature of allegation and degree of offence and further considering the statements of the eye-witnesses, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju