

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 674 of 2017

- Ghanshyam Kewat S/o Dev Singh Kewat Aged About 40 Years R/o Village- Podidalha, Police Station & Tahsil Akaltara, District Janjgir-Champa, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Police Station, Akaltara, District Janjgir-Champa, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Ravindra Sharma, Advocate
For the Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 216/2016 registered at P.S. Akaltara, Distt. Janjgir Champa (C.G) for the offence punishable under Sections 294, 506, 323, 452/34, 147, 148, 302, 307, 450, 325, 449 of IPC.
2. As per the prosecution case, a dispute arose between the applicant and complainant whose houses were adjacent to each other over a common plot which is situated at their houses. It is alleged that on 05.10.2016 a report was filed by the complainant that at about 7.00 a.m., the applicant and other accused Shyam Sunder Kewat and Dev Singh Kewat entered into the house of complainant and assaulted his family members by way of club and rod, as a result of which, his wife Milautin Bai died and other family members sustained injuries.
3. Learned counsel for the applicant would submit that in the

FIR which was lodged by the complainant Radhe Shyam, no allegations were attributed to the present applicant and the entire allegations are levelled against co-accused Shyam Sundar Kewat and Deo Singh and in subsequent statement recorded u/s 161 Cr.P.C., only the presence of the applicant has been stated, therefore, he has been falsely implicated. He further submits that looking to the role played by the applicant, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of the complainant and the Injured Ramdhan Kewat as also the statement of Lakhanlal Kewat wherein the allegations have also been attributed to the present applicant. Considering the nature of allegations and the facts and circumstances of the case, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**