

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1689 of 2017

- Naveen Kashyap s/o. Ram Dayal Kashyap, aged 22 years, r/o. Balgi, Shantinabar, PS Banki Mongara, District Korba (CG).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, PS Bank Mongara, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Akhtar Hussain, Advocate

For Respondent/State : Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13-06-2017

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 26-11-2016 in connection with Crime No. 122 of 2016, registered at Police Station Banki Mongara, District Korba (CG) for the offence punishable under Sections 147, 148, 149, 302 of IPC and Section 3 (2)(5) of the Atrocities Act.
2. As per prosecution case, on 25-11-2016 on a dispute between the present applicant and deceased Banwari Gond, present applicant along with other co-accused entered into altercation and thereafter assaulted the deceased Banwari Gond and when his brother Shatrughan tried to intervene, he was scolded and forced to go back and subsequently it was found that Banwari Gond was murdered.
3. Learned counsel appearing for the applicant would submit that no role was played by the present applicant and even according to the memorandum, entire allegations have been attributed to other co-

accused. He would further submit that no seizure was also made from the present applicant and he has been falsely implicated in this case. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 26-11-2016 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 there are three eye-witnesses to the incident namely Shatrughan, Babli Kashyap and Punni Bai and sufficient evidence is available against the present applicant, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statements of Shatrughan, Babli Kashyap and Punni Bai who eye-witnesses to the incident in which they have stated that they have seen the deceased Banwari while he was disputing with the present applicant and thereafter deceased was found dead.
7. Taking into consideration the facts and circumstances of the case, nature of offence and further considering the statements of the eye-witnesses, I am of the considered opinion that it is not a fit case where the applicant can be enlarged 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)
Vacation Judge

Raju