

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6982 of 2016

- Kanhaiya Harpal S/o Tulsi Harpal, Aged About 28 Years R/o Santoshi Nagar, Near Shri Ram Maidan Police Station Tikrapara, Raipur District Raipur Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station - Tikrapara, District Raipur Chhattisgarh

---- **Respondent**

For Applicant : Mr. Arun Kochar, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-01-2017

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 5-7-2015 in connection with Crime No. 341 of 2015 registered at Police Station Tikrapara, District Raipur (CG) for the offence punishable under Sections 147, 148, 149, 323, 323/149, 294, 506 (B), 302/149 and 302 of the IPC.
2. Case of the prosecution, in brief, is that on 5-7-2015 Sonu Raja Bangali entered into scuffle with Kailash Harpal and subsequently Kailash Harpal was assaulted and while he was being assaulted he called one Bhim, who tried to intervene and pacify the dispute, at that time present applicant along with other co-accused persons caused stab injuries to Bhim by knife whereby 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 this case, eye-witnesses have been examined and they have not supported the prosecution case. Learned counsel referred to para 2 of the statement of eye-witness Uttam Bakshi wherein it is stated that only allegation of assault by club has been attributed to the present applicant. He would further submit that charge-sheet has been filed, the applicant is in jail since 5-7-2015 and no further investigation is necessary, therefore, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of eye-witness Uttam Bakshi. In para 7 of his statement it is stated that present applicant has caused stab injury to Bhim by way of knife, therefore, direct allegations have been attributed to the present applicant.
7. Taking into consideration all the facts and circumstances of the case, the way offence has been committed and further considering the statement of eye-witness Uttam Bakshi, I am not inclined to release the applicant on bail.
8. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

