

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 936 of 2018**

Anand Kumar Pav S/o Pooran Singh Pav Aged About 21 Years R/o Village Phulwaritola, P.O. Semra, Police Station Bijuri, Tahsil Kotma, District Anuppur (M.P.)

---- Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station Khadgawan District Koriya Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Ashok Soni, Advocate
For State	:	Mr. Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/04/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 126/2017 registered at Police Station Khadgawan, District Koriya, Chhattisgarh for the offence punishable under Section 302, 34 of Indian Penal Code.
2. The present applicant is in jail since 13.08.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicant as per the prosecution case is that the present applicant and other accused persons is said to have assaulted the deceased Ramsingh on 12.08.2017 with lathi, fist and kick blow on account of which the deceased succumbed to the injuries.
4. The counsel for the applicant submits that against the present applicant the only allegation is that of assaulting the deceased giving

fist blows, whereas the other accused persons have used the lathi while assaulting the deceased. He further submits that in fact the present applicant had tried to pacify the fight between the parties, yet he has been falsely implicated in the said case. Thus for all the aforesaid reasons, he submits that the present applicant may be released on bail.

5. The State counsel however opposing the bail application submits that there are in all five eyewitnesses, whose statements have been recorded during investigation and the statements have been recorded on the very next day of the incident, which prima facie establishes the fact that the present applicant was also involved in the offence.
6. Having heard the contentions put forth on either side and on perusal of record, particularly the statements of the five eyewitnesses i.e. Mohanlal, Ku. Jyoti, Mahavir, Jansingh and Dukhni Bai all of whom have specifically named the applicant and other accused persons in the commission of the offence.
7. Given the statements of the eyewitnesses, this Court does not find any case made out for grant of bail. The application thus deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge