

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1647 of 2018**

Shantanu Joshi, S/o. Shailkumar Joshi, Aged About 28 Years, R/o- Gram-Manki, P.S. Lormi, District- Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The In-Charge Officer, P.S. Lormi District-Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Mateen Siddiqui, Advocate
For State/respondent	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/06/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.381/2016, registered at Police Station – Lormi, District – Mungeli (C.G.), for the offence punishable under Section 302, 120-B and 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 11.09.2016. No case is made out against him on the basis of the material present in the case diary. The applicant was holder of the learning license and the incident that has taken place is purely an accident in which this applicant had no intention to cause death of the deceased. The Coordinate Bench of this Court has granted bail to the co-accused Devprasad Joshi, hence, under these circumstances, it is prayed that the applicant may also be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that this applicant happens to be the main accused in this case and it was by his act, the death of the deceased was caused, hence, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The allegation against the applicant is this that there had been a dispute regarding the election of local panchayat between the deceased and the accused persons. It is alleged that conspiracy was hatched and then applicant along with one co-accused while driving his four wheeler dashed against the deceased Lalbahadur, who was travelling on the motor cycle causing grievous injuries, which resulted into death of the deceased. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. On the basis diary statement of the witnesses of the spot of incident, such inference can not be drawn at this stage that it was a case of pure accident, hence for this reason, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge