

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1921 of 2018**

- A. Shrinivas Rao @ Shinu Rao S/o A Shankar Rao Aged About 22 Years
R/o- Vidyut Colony, Rathore Bada, Tifra, P.S. Sirgitti, Bilaspur, District-
Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- P.S.- Sirgitti, District- Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Neeraj Choubey, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****01/05/2018**

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 20.08.2014 in connection with Crime No.167/2014 registered at Police Station Sirgitti, Bilaspur (CG) for the offence punishable under Sections 147, 148, 149, 307, 302 IPC and Section 3 (2) (5) of S.C./S.T. Act.
2. As per the prosecution case, on 30.06.2014 at about 10.30 pm the present applicant along with other has assaulted to Baran Laskar & Vijay Suryawanshi and because of such assault Vijay Suryawanshi died subsequently. As such the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and he was not present on the spot. He further submits that out of 22 witnesses 18 witnesses have been examined and Barandas

Laskar (PW-5) has not stated anything against the present applicant, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of Barandas Laskar (PW-5), wherein in para 1 he has identified all the accused persons and in para 2 he has stated that the applicant was also present while the assault was made. The charges under Sections 147, 148 & 149 IPC are clamped. Since the presence of the applicant has been stated by the victim Barandas Laskar (PW-5), at this stage the role played by the applicant cannot be evaluated, it is for the trial Court to evaluate the evidence during the course of trial, in view of this, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu