

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1836 of 2018**

- Laxmi Prasad Sidar S/o Shri Devanand Sidar Aged About 32 Years R/o- Village Kunjara, Police Station And Tahsil Lailunga District- Raigarh Civil And Revenue District- Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station- Lailunga, District- Raigarh, Chhattisgarh.

---- Non-Applicant

For Applicant	: Shri Ashutosh Mishra, Advocate.
For Non-Applicant	: Shri P.K. Bhaduri, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****04/05/2018 :**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.48/2017 registered in Police Station Lailunga, District Raigarh for offence under Sections 302, 120-B, 147, 148 & 149 of the IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. This is the second bail application on behalf of the applicant. His earlier bail application was dismissed as withdrawn with liberty to repeat after examination of material witnesses on 28.11.2017.

3. One Dil Kumar @ Dilo, the main accused, was involved in smuggling of timber from the concerned forest range of which deceased Daulatram Lader was the Forest Range Officer. Dil Kumar has criminal antecedents. Immediately prior to the date of the incident, the tractor trolley belonging to Dil Kumar's father was found involved in illegal mining within the forest area, therefore, the vehicle was seized by the deceased and POR was registered. In the morning of 20.2.2017, Dil Kumar along with Bablu, Anuj, Dayaram, Lalit, Puseram and the present applicant had gone to the office to request the deceased for releasing the vehicle. In the evening, they again went to the residence of the deceased, but at this point of time, only Dil Kumar, Anuj, Lalit and Dayaram went inside the house of the deceased. Out of 7 accused, remaining 3 namely, Bablu, Puseram and applicant Laxmi Prasad Sidar remained on the road and were keeping watch over the movement of the persons/people. As soon as the deceased came out of his house, Dil Kumar caused injuries over his head and neck by means of small axe. When the deceased tried to flee, Dayaram, Anuj and Lalit caught hold of him and got him down on the floor. He was again assaulted by Dil Kumar by means of axe.
4. From the above prosecution case, it is apparent that the present applicant has not taken part in causing injury to the deceased. His earlier bail application was dismissed as withdrawn, after arguing for some time but was not dealt with on merits.

5. The applicant is in jail since 22.2.2017 i.e. for more than one year and three months.
6. Considering the entire fact situation of the case and without commenting on the merits, this Court is inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with 2 sureties for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve