

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 3495 OF 2018

Prashant Rathore S/o late Dileep Rathore, aged around 20 years, R/o Purani Basti, Kharsia, District Raigarh (Chhattisgarh) Civil and Revenue District Raigarh (CG).

... Applicant

Versus

State of Chhattisgarh, through the District Magistrate, Distt. Raigarh (CG).

... Respondent

For Applicant	:	Shri Hari Agrawal, Advocate.
For Respondent-State	:	Shri Chandresh Shrivastava, P.L.
For Objector	:	Shri Rakesh Pandey, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/07/2018

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 26.10.2017 in connection with Crime No. 414 of 2017 registered at Police Station Kharsiya, Distt. Raigarh, for the offence punishable under Sections 147, 148, 149, 302, 452, 294, 506, 323 & 427 IPC.
2. As per prosecution case, the applicant in connivance with two other co-accused persons is said to have gone to the shop of the complainant Arjun Rohra and there on an altercation between the parties, the applicant and co-accused is said to have assaulted Arjun Rohra who in the course of altercation had sustained injuries. The said Arjun Rohra subsequently is said to have lodged an FIR on the same day and thereafter succumbed to his injuries.
3. The contention of the applicant is that no recovery has been made from the present applicant and that the prosecution has not been able to show any overt act on the part of the present applicant in

commission of the offence. He has been made accused only on account of his being found to be standing near the place of incident. Therefore, the present applicant be released on bail.

4. The counsel for the State as well as objector opposing the application submits that it is a case where the applicant's name find place in the FIR and that there are specific allegations against the applicant. Further, the bail applications of other co-accused persons namely Vidyanand Rathore and Yugansh Rathore have already been rejected by this court vide MCRC No.2344 of 2018 on 02.05.2018, and therefore the bail application of present applicant also deserves rejection.
5. Considering the total facts and circumstances of the case particularly taking note of the fact that bail application of other co-accused persons have already been rejected by this court vide MCRC No.2344 of 2018 and also considering the fact that the name of present applicant also reflects in the FIR lodged by the deceased on the same day itself, this court is of the opinion that present is not a fit case to release the applicant on bail.
6. Accordingly, the bail application stands rejected.

Sd/-

(P. Sam Koshy)
Judge