

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6737 of 2018**

Anuj Chaudhary S/o Kaeel Aged About 32 Years R/o Village- Kunjara, Police Station And Tahsil Lailunga, District- Raigarh, Civil And Revenue District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Ashutosh Mishra, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.10.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 18.7.2018 in M.Cr.C. No. 4959 of 2018. The applicant has been arrested in connection with Crime No.48 of 2017, registered at Police Station – Lailunga, District Raigarh, Chhattisgarh for the offence punishable under Sections 302, 120B, 148, 149 and 201 of the Indian Penal Code and Section 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 22.2.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The seizure witnesses and wife of the deceased

have not supported the prosecution case. The copy of the deposition has been attached for the perusal of this Court. Similarly placed co-accused – Saroj @ Bablu Pradhan has been granted bail by this Court in M.Cr.C. No.4542 of 2018 dated 18.7.2018. Hence, looking to this development, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the evidence present in the case-diary *prima facie* case is made out against the applicant. Hence, he is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. The case of the prosecution is that, on the date of incident, this applicant alongwith other co-accused persons came to the residence of deceased – Daulat Ram Lader, Forest Ranger asked him to release the seized vehicle. Thereafter, the altercation took place in which, the applicant and other accused persons assaulted the deceased with axe and caused his death. Hence, under these circumstances, I do not feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge