

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8087 of 2018**

- Puseram @ Useram Bhagat S/o Dasai Aged About 60 Years R/o Kunjara, Police Station Lailunga District Raigarh Chhattisgarh

---- Applicant**Versus**

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

---- Non-Applicant

For Applicant : Shri Ashish Gupta, Advocate.

For Non-Applicant : Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****03/12/2018 :**

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 148, 120-B, 302/149 and 201 of the IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. 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, Laxmi Prasad Sidar 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, present applicant Puseram and 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.

3. Learned State Counsel would oppose the bail application on submission that Dil Kumar has been refused regular bail by this Court in MCrC No.6848/2018 and similarly, Anuj has been denied bail in MCrC No.6737/2018. Similarly placed co-accused person Laxmi Prasad Sidar has been allowed bail in MCrC No.1836/2018 and Saroj @ Bablu has been allowed bail in MCrC No.4542/2018.
4. Case of Dil Kumar and Anuj, whose regular bail applications have been dismissed by this Court is different because they had entered the house

of the deceased whereas the present applicant along with Bablu and Laxmi Prasad Sidar remained outside the road, keeping a watch over the persons moving around the locality.

5. The applicant is in jail since 22.2.2017 i.e. for more than one year and 9 months. Considering the release of similarly placed co-accused persons namely, Laxmi Prasad Sidar and Saroj @ Bablu, the present applicant also deserves to be released on bail.
6. 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