

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3510 of 2019

Abhishek @ Bittu Nagwanshi S/o Shrawan Kumar Nagwanshi Aged About 24 Years R/o Sector No. 1, Shankar Nagar, Infront Of Child Garden Police Station Civil Line Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Mandir Hasaud, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri P.K. Patel, Advocate
For State	:	Shri Sanjay Kumar Agrawal, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/07/2019

Heard.

1. The applicant has been arrested in connection with Crime No.93 of 2018 registered at Police Station- Mandir Hasaud, Raipur, (CG) for the alleged commission of offences under Sections 302, 307/34 IPC.
2. Case of the prosecution, in brief, is that the applicant and co- accused assaulted Tuhin Malik and Alankar Pal in which incident Alankar Pal sustained injury and Tuhin Malik died.
3. Learned counsel for the applicant argues that the manner in which the incident is alleged to have happened, it cannot be said that the applicant shared any common intention with other accused. He would submit that the incident of quarrel had arisen all of sudden and it appears that during free-fight between the parties, Tuhin Malik sustained stab injury said to have been caused by one of the co-accused and not the present applicant. It is next submitted that co-accused of this case, namely, Abhilash @ Bobby has been granted bail by by this Court vide order dated 22.4.2019 passed in M.Cr.C. No.2344 of 2019. As the sole eyewitness of the case namely Alankar Pal has

now been examined, therefore, at this stage, the applicant may be granted bail.

4. On the other hand, learned counsel for the State opposes the application and submits that involvement of the applicant in the alleged commission of offence is prima facie made out from statement of eyewitness and the applicant cannot claim parity with the accused Abhilash @ Bobby because Abhilash @ Bobby has been granted bail mainly on the ground that in his evidence, the eyewitness has not identified Abhilash @ Bobby.
5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the facts and circumstances of the case, I am not inclined to grant bail to the applicant.
6. The application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge