

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4478 of 2019

- Chhatram @ Munna Suryavanshi, S/o Late Lagansay Suryavanshi Aged About 50 Years R/o Village Rogda, Police Station Nawagarh, Presently Residing At Ghatholi Chowk, Champa, Police Station Champa, District Janjgir - Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Janjgir, District Janjgir - Champa Chhattisgarh.

---- Respondent

For Applicant	: Mr. C.P. Lahrey, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

19/08/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 84/2019, registered at Police Station Champa, District Janjgir-Champa (C.G.) for the offence punishable under Sections 302, 294, 323, 506 & 34 of the IPC.
2. As per prosecution story, on the date of incident due to some dispute, the applicant along with other co-accused person assaulted the deceased namely Rajendra with the help of club due to that the deceased sustained grievous injuries on vital part of his body and later on he died. On the basis of said background, offence has been registered. The applicant is in custody since 26.04.2019.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that at the time of incident occurred, the applicant was not present on the spot, he was in his working place i.e. Champa. He

has wrongly been convicted in this case due to some previous enmity with the deceased, he is in custody since 26-04-2019, charge-sheet has already been filed and trial is likely to take some time. Therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application and submits that the incident has been witnessed by Sarita (PW-1) and Nisha (PW-2), both of them examined before the Trial Court also and in their Court statements, they have categorically stated that the deceased was assaulted by the applicant. In these circumstances, the applicant may not be released on bail.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the statements of Sarita (PW-1) and Nisha (PW-2), without further commenting on merits of the case, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)

Judge