

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5083 of 2019

Bhupendra @ Chhotu Baghel, S/o. Late Bhojo Baghel, Aged About 22 Years,
R/o. Near Sheetla Mandir, Bhawani Nagar, Telibandha, Raipur, District-Raipur
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station Vidhan
Sabha, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Praveen Das, Advocate
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/09/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.309/2018, registered at Police Station – Vidhan Sabha, Raipur, District – Raipur (C.G.) for the offence punishable under Section 302/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 30.08.2019. The lodger of FIR and the only eye-witness of this case is Santu Ram Kurrey. The FIR was lodged against unknown person and the eye-witness has given statement that he could not

identify the culprits because they have wrapped their faces with clothes, which he had admitted in his Court statement. This applicant is not the person, who had stabbed the deceased. Therefore, it is prayed that the applicant may be enlarged on regular 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 there is evidence present to show that this applicant is the main assailant, therefore, he is not entitled for grant bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case on the date of incident, deceased Hari Maheshwari along with complainant Santu Kurrey, who were traveling on the motor cycle were stopped by three persons, who wanted to borrow some petrol. As the deceased refused to give them petrol, quarrel took place and during that quarrel one person took out a knife and assaulted the deceased and stabbed on his thigh. The deceased died due to excessive bleeding. After lodging of FIR, the applicant and other co-accused persons have arrayed as an accused in this case.
6. Considered on the submissions made and the contents of the case diary. Perused the deposition of the eye-witness Santu Ram Kurrey, who has clearly stated that it was the accused Bhupendra, who has stabbed the deceased with knife. He has though made admission that he had earlier given statement to the police that culprits had wrapped their faces with some clothes. His statement needs appreciation and that will be done by the trial Court. This Court is of the opinion that the

applicant is the main accused who caused fatal injury to the deceased, hence for this reason, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.

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

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram