

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5719 of 2019**

- Dayaram Kalanga S/o Nanki Kalanga Aged About 30 Years  
R/o Village Bardihi, Police Station Lailunga, District Raigarh,  
Chhattisgarh.

**---- Applicant****Versus**

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

**---- Respondent**

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| For Applicant        | :- | Shri Ashish Gupta, Advocate. |
| For Respondent-State | :- | Shri Avinash Choubey, PL     |

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**Order On Board****By****Hon'ble Shri Justice Prashant Kumar Mishra****05/09/2019**

1. The applicant has preferred this second 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), 1989.

2. The first bail application of the applicant was dismissed as withdrawn vide order dated 05.02.2019.
3. As per the prosecution case, 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, Puseram 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, Puseram and applicant 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.

4. From the above prosecution case, it is manifest that the present applicant has taken active part by catching hold of the deceased at the time accused Dil Kumar caused injuries over his head and neck by mean of small axe.
5. Learned counsel appearing for the applicant would argue that the evidence surfaced so far in trial would not make out a case against the present applicant and hence the applicant may be extended the benefit of Section 439 of the Cr.P.C.
6. On the other hand, learned counsel appearing for the State would oppose the bail application.
7. Having considered the facts and circumstances of the case and particularly considering the fact that the trial is in progress, this Court is not in a position to appreciate the evidence produced by the prosecution, which shall be gone into by the trial Court at the conclusion of trial. Accordingly the bail application is rejected.

SD/-  
(Prashant Kumar Mishra)  
Judge

Ayushi