

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9175 of 2018**

Khemraj @ Lalu S/o Shri Shanker Lal Yadav, aged about 19 years, R/o Village Latuwa, Police Station : City Kotwali, Baloda Bazar, District Baloda Bazar, Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Baloda Bazar District Baloda Bazar, Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Shri Nitesh Shrivastava, Advocate.
For Respondent/State : Shri Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order**

10/01/2019

1. This is the first bail application preferred by the applicant under Section 439 of Cr.P.C. for grant of bail as they are arrested in connection with Crime No.236/2016 registered at Police Station City Kotwali, Baloda Bazar, District Baloda Bazar- Bhatapara (C.G.) for offence punishable under sections 147, 148, 149, 120-B, 307, 302 of IPC and Section 3(2)(5) Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
2. As per the prosecution case, dispute arisen between the members of Yadav family and Dhruw family due to which some family members sustained injuries and the offence has been committed.
4. Learned counsel for the applicant submits that the present applicant has been falsely implicated in the case and no overt act has been committed by the present applicant. Only one alleged *Spade* has

been recovered from him. Therefore, commission of offence cannot be attributed to the present applicant. He further submits that the applicant is in jail since 22.06.2016. As the charge sheet has been filed and the trial likely to take some time, therefore, the present applicant be released on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail.

6. Perused the order. Considering the submissions made by learned counsel for the applicant, at this stage it would not be proper to evaluate the role played by the applicant. It is for the trial Court to consider the same after all the other evidences are brought on record. Considering the facts and circumstances of the case, this court is not inclined to release the applicant on bail.

7. Accordingly, the bail application stands rejected.

Sd/-

(Goutam Bhaduri)
JUDGE