

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 421 of 2019**

- Chandrika Lohar, S/o Ramjeevan Lohar, aged about 32 years, R/o Village Aniruddhpur, Police Station Ramchandrapur, District – Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station – Ramchandrapur, District – Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	:	Shri B.L. Dembra, Advocate.
For Respondent/State	:	Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/02/2019

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. 22/2018, registered at Police Station- Ramchandrapur, District – Balrampur-Ramanujganj, Chhattisgarh, for the offence punishable under Sections 147, 148, 307, 323, & 302 of the Indian Penal Code.
2. In this case there are six accused persons. The name of the Deceased is Ishwar Dayal Singh. On 30.06.2018, Nandkeshwar S/o the Deceased lodged a report in the police station wherein it is alleged that on 30.06.2018 at about 8.00 am, due to some previous land dispute, the present Applicant and other co-accused persons came to their field lashed with club. Thereafter, they assaulted his father Ishwar Dayal (Deceased) due to which he sustained injuries on his head and other parts of the body, resulting in death of his father. Statements of the witnesses have been recorded under Section 161 of Cr.P.C. On the basis of the said, offence has been registered. Applicant has been

taken into custody on 22.09.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that, name of the present Applicant is not mentioned in the FIR lodged by the son of the Deceased. Also, in his statement recorded under Section 161 of the Cr.P.C., the name of the present Applicant is not mentioned. Later on, when statement of Nandkumar, who is the brother of Nandkeshwar was recorded, he named the present Applicant. Thus, it is clear that present Applicant is falsely implicated in the case due to some previous land dispute. The Applicant has been taken into custody since 22.09.2018 and trial will take time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the name of the Applicant is not mentioned in the FIR and in the statement of the Nandkeshwar, recorded under Section 161 of Cr.P.C., Applicant is in custody since 22.09.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge