

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 736 of 2020**

- Sanjay Sahu S/o Ramchander Sahu Aged About 37 Years Resident Of House No. 41, Schoolpara, Devri, Jawaher Nagar, Police Station- Korandha, District Balrampur-Ramanujganj Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Kusmi, District Balrampur-Ramanujganj Chhattisgarh

---- Respondent

For Applicant	:	Shri Amarnath Pandey, Advocate
For State	:	Shri Alok Bakshi, Addl. Adv. General

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/08/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.34/2018 registered at Police Station – Kusmi, District – Balrampur - Ramanujganj (C.G.) for alleged commission of offences under Section 302, 147 and 149 of IPC.
2. Prosecution case is that the applicant and other co-accused assaulted Yashwant resulting in fatal injuries due to which, Yashwant died.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. He would submit that present is a case of custodial torture and death in the hands of police. Referring to the statements of Shrinath-the police officer, it is argued that even according to the statement, when Yashwant met him, he was not injured. Later on, it is stated by him that Yashwant was found injured which shows that Yashwant, while in the custody of police, was tortured.
4. On the other hand, learned State counsel opposes bail application and submits that the prosecution case is based on eye witness account given by Basant

Sonwani - brother of the deceased, who has stated that present applicant and other co-accused alleged that Yashwant had eloped with wife of Praveen Kumar because of which, he was badly assaulted and gave fatal injuries which led to his death.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that prosecution case is based on eye witness account of the incident Basant Sonwani, I am not inclined to grant bail to the applicant. The application is, accordingly, rejected.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge