

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1546 of 2020**

- Chhotu Kumar Dhirhen S/o Bahadur Singh Dhirhen Aged About 24 Years R/o Bandora, Police Station- Malkharoda, District- Janjgir-Champa, C.G., At Present Milupara, Police Station- Tamnar, District- Raigarh, C.G.

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station- Tamnar, District- Raigarh, C.G.

---- Respondent

For Applicant	:	Shri Ashish Gupta, Advocate
For State	:	Shri Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****11/08/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.101/2019 registered at Police Station – Tamnar, District – Raigarh (C.G.) for alleged commission of offences under Section 302 of IPC.
2. Prosecution case is that the applicant had a quarrel with the deceased – Lokesh and in that quarrel, the applicant killed Lokesh by strangulating.
3. Learned counsel for the applicant would submit that the applicant has been involved only on suspicion. He would submit that according to the prosecution witness – Girdhari and Roshan whose case diary statements have been recorded, it was not the applicant only but number of persons had gathered in the house of the deceased to enjoy the party. Girdhari has stated that just before the incident, the deceased had quarrel with certain persons which does not involve the present applicant. Roshan, the other prosecution witness, who himself was present at the time of party, has stated that after dining, he left the house of the deceased with the present applicant, therefore, it is submitted that no case of last seen is made out. It is further submitted that there is no other material to involve the applicant in the present case as charge sheet has been

filed. Therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes prayer and submits that the applicant is involved in commission of grave offence. He would argue that according to the statement of the prosecution witnesses, number of persons had dined along with the deceased in his house on 18/06/2019 and the applicant was one of the persons present at the spot and it has been alleged that it is the applicant with whom the deceased had quarrel, after all the members of party left the house of the deceased and in that incident, the applicant strangled the deceased to death.

5. Taking into consideration the submission of learned counsel for the parties and material disclosed in the charge sheet, *prima facie*, it appears that involvement of the applicant is based on last seen evidence only. Girdhari, in his diary statements, has stated that before the incident, the deceased had a dispute with certain persons which does not involve the present applicant. Further that the case diary statements of Roshan, one of the member of the party in the house of the deceased is that after dining, he along with the applicant left the house of the deceased. Therefore, in view of above consideration, present is a fit case for grant of bail.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

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