

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 480 of 2020

1. Rishi Singh S/o Late Shri Vishnu Dev Singh Aged About 33 Years R/o Ward No.10, Ichrauaa, P.S. Aloli, District Khagdiya (B R).

---- Applicant

Versus

1. State Of Chhattisgarh Through P.S. Khamtarai, District Raipur Chhattisgarh.

---- Respondent

For Applicant Mr. Devershi Thakur, Advocate

For Respondent /State Mr. Gagan Tiwari, Dy. Govt. Adv.

Proceedings through Video Conferencing

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

30/6/2020

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.289/2019, registered at Police Station Khamtarai, District Raipur, for offence punishable under Sections 302 read with Section 34 of the Indian Penal Code.
2. Applicant along with co-accused Randhir Singh assaulted the deceased causing his death. It is argued that the fatal assault was made by Randhir Singh and not by the present applicant, therefore, the applicant is entitled to be released on anticipatory bail.

3. Having heard learned counsel for the State it appears the origin of the incident is dispute and manhandling by the present applicant whereafter the co-accused assaulted the deceased. Presence and involvement of the applicant on the spot is evidenced in the material available in the case diary, therefore, the present does not appear to be a fit case for exercise of power under Section 438 of the Cr.P.C.
4. Accordingly, the bail application is rejected. In the event of surrender and applying for regular bail by the applicant the Sessions Court shall consider and decide the same expeditiously.

Sd/-
(Prashant Kumar Mishra)
Judge

Gowri