

1.

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2882 of 2020

- Malikram Baiga S/o Rarru (Wrongly Mentioned As Rarau In The Order Sheet) Baiga Aged About 18 Years R/o Village Kabirpathara, Police Station Chilphy, District Kabirdham Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Chilphy, District Kabirdham Chhattisgarh. **---- Respondent**

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
For Respondent	:	Shri Ravish Verma, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/08/2020

1. Heard on application for grant of bail.
2. The applicant has been arrested on 30.03.2019, on the allegation of having committed offence under Sections 294, 323, 302 of Indian Penal Code. He moved this application for grant of bail in connection with Crime No.29/2020 registered at Police Station- Chilphy, District- Kabirdham (C.G.).
3. Prosecution allegation is that the applicant assaulted the deceased Laxman Baiga and it is the case of the prosecution that on assault given by the applicant, the deceased Laxman sustained grievous injury on his head, after two days of incident, he died.

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4. Learned counsel for the applicant would argue that at the first place, the applicant's involvement is fabricated by the prosecution. He would submit that so called eye witness Motilal, Sunher, Sundari Bai, Lamia all have been examined and their evidence does not clearly involve the applicant because Motilal does not support the case of the prosecution, Lamia and Sundari Bai have given contradictory statements not inspiring confidence. He would further argue that even according to the prosecution, the deceased after having sustained injury was not provided instant treatment due to which, he died. Therefore, it cannot be said that the deceased died because of the injury.
5. On the other hand, learned State counsel would argue that whether or not, the evidence of the prosecution witnesses should be believed is a matter of appreciation of the evidence. He would further argue that wife of the deceased has stated in her examination-in-chief that the applicant assaulted the deceased.
6. Having considered the submission made by learned counsel for the parties, particularly taking into consideration that the gravity of allegation against the applicant, without further commenting upon the nature and quality of the evidence which has already been led before the trial Court, I am not inclined to grant bail to the applicant, therefore, application is rejected.

Sd/-

(Manindra Mohan Shrivastava)

Judge