

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4080 of 2020

Goutam Nishad S/o Narayan Nishad Aged About 27 Years R/o Village- Mirgi,
Thana- Bhatapara (Gramin), Distt. Baloda Bazar- Bhatapara, Chhattisgarh.,
----**Applicant**

Versus

State Of Chhattisgarh Through The Police Station- Thana-Bhatapara
(Gramin), Distt. Baloda Bazar- Bhatapara, Chhattisgarh ---- **Respondent**

For Applicant	:	Shri Deepak Jain, Advocate
For Respondent/State	:	Shri Ravish Verma, G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

31/08/2020

Heard.

1. The applicant has been arrested in connection with Crime No.446 of 2019 registered at Police Station- Bhatapara (Gramin), District Baloda Bazar- Bhatapara (CG) for the alleged commission of offence under Section 302 read with Section 34 of IPC.
2. Case of the prosecution is that the applicant and other co-accused assaulted the deceased. The allegation is that the applicant assaulted the deceased with the help of an axe and it is said to have been recovered from his possession.
3. Learned counsel for the applicant submits that the other co-accused have been granted bail by this Court. He would submit that wife of the deceased is a planted eyewitness and actually, she has not seen the incident but even according to her, when she reached the spot, hearing the cries of her husband, she saw the applicant and other co-accused leaving the place. Thus, it is argued, the present applicant is similarly situated as co-accused, who have been granted bail. Learned counsel for the applicant would further submit that the time and seizure of axe, itself shows that it is an anti-timed document and the seizure itself is false as it is prior to lodging of FIR. He would next submit that from the cloths of the applicant, no bloodstain have

been found.

4. On the other hand, learned counsel for the State opposes the prayer and submits that the other co-accused have been granted bail on the observation that present is the main accused.
5. Having considered the submission of learned counsel for the parties and also taking into consideration the statement of the wife of deceased and alleged recovery of axe from the applicant, present is not a fit case for grant of bail. The bail application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge