NAFR

# HIGH COURT OF CHHATTISGARH, BILASPUR

## MCRC No. 4734 of 2020

- Mehar Singh Potai, S/o Manglu Potai, aged about 37 years, R/o Village- Aamakot, Thana- Siksod, District Uttar Bastar Kanker C.G.

**---- Applicant**

**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station - Siksod, District Uttar Bastar Kanker Chhattisgarh.

**---- Respondent**

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For Applicant. : Mr. Sunil Sahu, Advocate.
For Respondent/State : Mr. H. S. Ahluwalia, Dy. A.G.

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**Hon'ble Smt. Justice Rajani Dubey**

**Order on Board**

**01.09.2020**

1. The applicant has filed this First Bail Application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 10/2019 registered at Police Station : Siksod, District Uttar Bastar Kanker (C.G.) for the offence punishable under Section 302/34 of the IPC.
2. As per the prosecution case, the allegation against the present applicant is that he along with the co-accused person assaulted the deceased with the help of hand and fist due to that he died. Based on that offence has been registered against the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He

further submits that there is no eye witness of the incident and only on the basis of suspicion the applicant cannot be made accused. He next submitted that the applicant is in jail since 14.07.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.

4. On the other hand, State counsel strongly opposes the bail application submitting that as per the medical report there are injuries in the whole body of the deceased, therefore, looking to the nature and gravity of the crime, the applicant may not be released on bail.

5. I have heard learned counsel for the parties and perused the record.

6. Considering the totality of the facts and circumstances of the case, nature and gravity of the case and particularly, at this stage, I am not inclined to release him on bail.

7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-**
**(Rajani Dubey)**
**Judge**

Vijay Sahu