

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5758 of 2020

- Chaurasiya @ Kameshwar Kumhar, S/o Devsai, Aged About 25 Years, Occupation Laborer, R/o Village Devgarh Pandripara, Police Station Sitapur, District Surguja, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Sitapur, District Surguja, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Shri Nishi Kant Sinha, Advocate
Shri Gagan Tiwary, Dy. GA

Proceeding through Video Conferencing

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board

14/10/2020

1. The applicant has preferred this bail application under Section 439 of the CrPC, as he has been arrested in connection with Crime No.37/2020, registered at Police Station Sitapur, District Surguja (C.G.) for the offence punishable under Section 302 read with Section 34 of IPC.
2. The present applicant Chaurasiya @ Kameshwar Kumhar, Shyamnarayan and Ashok have caused injuries on the person of the deceased when an altercation took place during the intervening night of 11th and 12th April, 2020. Atleast 3 witnesses namely, Sukhlal (first informant), Samina Bai and Vishwanath have seen the occurrence and have named the present applicant

as one of the assailant.

3. Although co-accused Jogsai Kumhar has been allowed bail by this Court in MCRC No.5749/2020, but his case is distinguishable on the ground that initially the eye witnesses have not named him as one of the assailant but his name was stated after about a month of the incident.
4. Considering the entire facts situation of the case, the present is not considered to be a fit case for release of the applicant on bail.
5. Accordingly, the bail application is dismissed with liberty to revive the prayer after examination of the above 3 eye witnesses namely Sukhlal, Samina Bai and Vishwanath.

Sd/-
Prashant Kumar Mishra
Judge

Nirala