

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5773 of 2020

Jhuruwa @ Devcharan Chandrakar S/o Baiju Chandrakar Aged About 33 Years
Resident Of Baghrra, Police Station Kunda, District Kabirdham, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, P.S. Kunda, District
Kabirdham, Chhattisgarh

---- Respondent

For Applicant	:	Shri Yogeshwar Sharma, Advocate
For State	:	Shri Gagan Tiwari, Dy. Govt. Advocate

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

Order On Board

12/10/2020

Heard.

1. The applicant is arrested in connection with Crime No.202/2019 registered in Police Station -Kunda, District - Kabirdham (CG) for alleged commission of offence under Sections 294, 325, 506-B/34, 302 IPC.
2. Case of the prosecution, in brief, is that the applicant and other co-accused assaulted Gorelal, in which incident, Gorelal suffered fatal injury and succumbed to death.
3. Learned counsel for the applicant would submit that the manner in which the eyewitnesses have stated regarding the incident, it cannot be said that the applicant shared common intention to cause death of deceased- Gorelal. It is submitted that according to statements, the applicant, only with a view to teach lesson, gave an assault on the leg of the deceased and after the deceased fell down, other accused started assaulting him and the fatal injury was caused by other accused and not by the present applicant.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that not only the other accused persons but the present applicant also were assaulting the deceased and he fell down and then succumbed to death on account of several injuries caused to him including one caused by the applicant.
5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the nature and gravity of offence and particularly taking into consideration the evidence of as many as three eyewitnesses, present is not a fit case for grant of bail.
6. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge