

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7199 of 2020**

- Damaru Nage, S/o Chinta Ram Nage, aged about 25 years, R/o Village Turpura Khaspara Police Station Bhanpuri, District Bastar (CG)

---- Applicant
(In Jail)

Versus

- State of Chhattisgarh, Through The Police Station Bhanpuri, District Bastar (CG)

---- Non-applicant

For Applicant	:	Mr. P.K. Tulsiyaan, Advocate
For Non-applicant	:	Mr. Ashish Tiwari, Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

16.12.2020

1. This is first bail application of the applicant under Section 439 of the Code of Criminal Procedure, 1973 as he is in custody since 18.5.2020 in connection with Crime No.56/2020 registered at Police Station Bhanpuri, District Bastar (CG) for commission of the offence punishable under Section 302 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 17.5.2020 at about 5.00 p.m. Kamlochan Baghel left the house and in next morning at about 6.00 a.m. he was found lying dead with injuries over his body on the road going towards Khaaspara. Suraj Baghel, son of Kamlochan, lodged complaint mentioning therein that about two-three months prior to the date of incident, some quarrel in connection with land related dispute took place between the deceased with applicant, Ramu & Chhavi. On account of land related dispute, which took place two-three months prior to date of incident, a village panchayat was held in which present applicant and his associates have given life threat to the deceased. Based on this

complaint, the police registered crime against applicant.

3. Mr. P.K. Tulsiyaan, learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the instant crime/ offence. Applicant has not committed the offence as alleged against him. The Investigating Agency has absolutely not collected any material showing involvement of applicant in instant offence, except oral statement / complaint lodged by son of deceased alleging that two-three months prior to the date of incident, some quarrel in connection with a land related dispute had taken place between the deceased and applicant. On the basis of memorandum statement, one *Moosal* (club) which is used in agriculture activities, has been seized from the possession of applicant, but it is not mentioned in the seizure memo that it was stained with blood. Hence, the applicant may be enlarged on bail.
4. On the other hand, Mr. Ashish Tiwari, learned Government Advocate for the State controverted the submissions made by learned counsel for the applicant and submits that the son of deceased lodged the complaint specifically mentioning name of applicant that some dispute of deceased with applicant took place. He further submits that on account of land related dispute between the deceased and the applicant, a village panchayat was held in which present applicant has given life threat to the deceased, which along with memorandum statement of applicant is sufficient to connect him with the crime in question.
5. I have heard learned counsel for the parties and considered the submission made.
6. Taking into consideration the entirety of facts and circumstances of case, nature of allegation, material collected by the Investigating Agency against present applicant, without commenting anything upon the merits

of case, I am inclined to enlarge the applicant on regular bail. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

- a) he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) he shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

roshan/-