

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8114 of 2019

1. Raj @ Raj Lohar S/o Shiv Kumar Lohar, Aged About 18 Years, R/o Near Santoshi Mandir, Chantidih, Police Station - Sarkanda, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Nageshwar @ Bultu Rajak S/o Laxman Rajak, Aged About 19 Years, R/o Santoshi Mandir, Chantidih, Police Station – Sarkanda, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station - Sarkanda, Bilaspur, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicants – Shri Rajendra Tripathi, Advocate.

For Non-applicant/State –Shri Sudeep Verma, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-01-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicants for grant of regular bail. Their first bail application before this Court, MCRC No.5146/2019 was dismissed as withdrawn on 04-09-2019 and liberty was granted to revive the same after examination of main eyewitnesses. The applicants have been arrested on 23-03-2019 in connection with Crime No.292/2019 registered at P.S. - Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh for the offence under Section 302/34 of the IPC.

2. It is submitted on behalf of the applicants that the applicants are innocent and they have been falsely implicated in this case. The main eyewitnesses of this case have been examined who have very clearly stated that it was co-accused Raja Rajak who had assaulted the deceased with a knife which has caused his death. Therefore, these applicants are not involved in the said incident of murder. Hence, it is prayed that the application may be

allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is evidence of presence of these applicants along with the main accused and also that they participated in the assault that was made upon the deceased, therefore, they had acted in furtherance of common intention and are not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. According to the prosecution case, on the date of incident the applicants and co-accused Raja Rajak accosted the deceased Sandeep Dhuri on the spot and alleging that he has beaten brother of co-accused Raja Rajak they assaulted and thrashed him and at the same time co-accused Raja Rajak who was carrying a knife in his hand stabbed the deceased in his abdomen which has resulted in his death. Hence, this case.

6. Looking to the evidence that is present in the case diary and also the evidence that has been brought before the Court below, it is not possible for this Court to give any finding that these applicants were not involved in the said incident that is a matter for decision by the trial Court itself. Therefore, I am of this opinion that this is not a fit case for grant of regular bail to the applicants.

7. Consequently, the application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge