

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 169 of 2021

- Durgesh @ Durga @ Neta Jaiswal, S/o Shivshankar Jaiswal, Aged About 20 Years, R/o Chanwaridand, Baigapara, Police Station Manendragarh, District- Korea Chhattisgarh.

---- Appellant

Versus

- State of Chhattisgarh, Through: The Station House Officer, Police Station Manendragarh, District- Korea, Chhattisgarh.

---- Respondent

For Appellant	: Shri D.N. Prajapati, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Judgment on Board

03.03.2021

1. This appeal by the accused/appellant under Section 14 (A) (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of regular bail to the appellant, is directed against the order dated 22.01.2021 passed by the learned Special Judge (SC/ST Act) Korea, District- Korea (Baikunthpur) (C.G.) the appellant has been arrested on 12.03.2018 in connection with Crime No. 88/2018 at Police Station- Manendragarh, District- Korea (C.G.) for the offence punishable under Section 302/34 of IPC and Section 3 (2) (v) of SC/ST Act.
2. Case of the prosecution, in brief, is that on 11.03.2018 at about 2.00 p.m. near Railway Station Road, Police Station Manendragarh, the present appellant in relation to some old dispute came to the shop of the complainant's husband/deceased and started quarreling, over this matter, the complainant party have gone to police station for lodging report against the present appellant, at that point of time, the present appellant alongwith his brother/co-accused attacked on the vital

part (neck) of the deceased/complainant's husband with lethal weapon i.e. Sickle and caused his death.

3. Learned counsel for the appellant submits that the allegation against the present appellant is false and fabricated. He further submits that the incident took place due to the sudden provocation by the deceased/complainant's husband, the appellant/accused had no intention to kill the deceased, the appellant has no criminal antecedents, he is in jail since 12.03.2018, conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned State Counsel opposes prayer for grant of bail and submits that prima-facie case is made out against the appellant because he intentionally caused death of the deceased/complainant's husband with lethal weapon i.e. Sickle.
5. Considering the facts and circumstances of the case, nature of injury, cause of death, statements of the eye witness of the case i.e. wife and daughter of the deceased and the post mortem report, without commenting anything on merits of the case, I am not inclined to grant bail to the appellant.
6. Accordingly, the appeal being without any substance is hereby dismissed.

Sd/-
(Gautam Chourdiya)
Judge

Nadim