

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6277 of 2020**

- Makund @ Mukund Sori S/o Jaldhar Sori Aged About 30 Years R/o Village Bhutbeda, Police Station Shobha, District Gariyaband Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Shobha District Gariyaband Chhattisgarh

---- Respondent

For Applicant : Shri Mohammad Afroz Athar, Advocate

For Respondents/State : Ms. Sunita Jain, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****05/01/2021**

1. Heard.
2. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 21.07.2020 in connection with Crime No. 07/2020 registered at Police Station Shobha, District Gariyaband (CG) for the offence punishable under Section 302 IPC.
3. As per the prosecution case, on the date of incident on 20.07.2020 on a dispute over the grazing of the cattles with Neer Singh Sori the present applicant who is related to Neer Singh Sori came out with a threat of kill to deceased Avan Kumar and while the deceased was grazing his cattles, the applicant assaulted

him and subsequently he was found dead.

4. Learned counsel for the applicant submits that there is no direct evidence available against the applicant and even the site map would show that within 50 meters from the house the assault was made and the eye witness has not stated which is highly improbable against the human conduct, therefore, the evidence cannot be believed. He would further submit that only one club was seized from the accused, therefore, there is no evidence against the applicant, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail. She read out the statements of Ramesh Markam and Ku. Sushila Kumari.
6. Perused the statements and the FIR. Named FIR is made and direct allegations have been attributed. Considering the same as also the statement of Ku. Sushila Kumari, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu