

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6742 of 2020**

- Aaditya Shamal @ Munnu S/o Shri Bholanath Shamal Aged About 22 Years R/o- Jayanti Nagar, In Front Of Parwat Maidan, Durg, Tehsil And District Durg, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- District Magistrate, District Durg, Chhattisgarh

---- Respondent

For Applicant : Shri Avinash Chand Sahu, Advocate

For Respondent/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****06/01/2021**

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 08.06.2018 in connection with Crime No. 213/2018 registered at Police Station Mohan Nagar, District Durg (CG) for the offence punishable under Sections 302, 307, 147, 148, 149, 34 IPC and 25 & 27 of the Arms Act.
3. As per the prosecution case, on 06.06.2018 over a dispute the applicant along with the other co-accused assaulted one Nitish Sharma whereby he died and Shiv Aditya Sharma was severely assaulted. Thereby the offence has been committed.

4. Learned counsel for the applicant submits that the main allegation is on Shubham Sharma and the name of the applicant has wrongly been inculpated according to the memorandum witness Kalia Dongre, on whose instance the memorandum was drawn and subsequent seizure was made, has not supported the case of the prosecution, thereby the allegations against the present applicant are not proved, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that the case is based on eye witness and also the seizure and the seizure has also been proved by the statement of Amit Sahu and he has deposed before the Court about the seizure of the knife by which the assault was made.
6. Perused the statement of Amit Sahu & Shiv Aditya Sharma, the injured and also perused the Test Identification Pared. Considering the same as also the nature of evidence available against the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu