

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7001 of 2021**

- Sanjay Singh Rajput S/o Purshottam Singh Rajput Aged About 19 Years R/o Village Harnachaka, Police Station Lalpur, Tehsil Lormi, District Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Lalpur, District Mungeli, Chhattisgarh

---- Respondent

For Applicant	:-	Mr. Pallav Mishra, Advocate
For Respondent-State	:-	Mr. Arjit Tiwari, PL

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ
Order On Board

04/10/2021

1. Heard.
2. This is a **second** application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.136/2020, registered at Police Station Lalpur for the offence punishable under Sections 302, 149, 201, 120B, and 34 IPC.
3. The first bail application was dismissed vide MCRC No.7817/2020 reserving liberty to revive the prayer after

examination of witness Baldev Singh Rajput.

4. Case of the prosecution, in brief, is that on 06.07.2020 at about 10 pm, Baldev Singh Rajput heard noise of his brother coming from Community Hall of his village. He rushed to the Community Hall and found three persons namely, Khorbahra @ Mahetaru, Gopal Singh Rajput, Sanjay @ Phosa Singh Rajput running out from the Hall with arms and weapons. When he entered the Hall, he saw his brother Kailash Singh lying on the cot with injuries. Merg was intimated and on that basis FIR was registered. During the course of investigation, based on the statement of witnesses, present applicants are arrested in the aforementioned crime.
5. Learned State counsel would oppose the prayer for grant of bail. He would submit that not only Baldev Singh Rajput but Rohan Singh has also made statement against the applicant, therefore, he is not entitled to be released on bail. He would further submit that one club used for committing offence has been recovered from the present applicant.
6. On reading of diary statement of Rohan Singh it is found that he was informed about the incident by Baldev Singh Rajput and he himself has not seen the occurrence. According to Baldev Singh Rajput, he saw that accused persons Khorbahra @ Mahetaru, Hemant Singh, Ramsingh, Lati, Ganesh, **Sanjay Singh Rajput (present applicant)** and

Gopal Singh were in altercation/ maar peeth with his brother Kailash Singh. One of these persons namely; Ram Singh Rajput along with another accused Hemant Singh Rajput has been released on bail in MCRC No.7161/2020.

7. Considering the entire fact situation of the case and for the fact that applicant is in jail since 07.07.2020 as also the quality of evidence, I am inclined to release the applicant on bail.
8. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

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