

**HIGH COURT OF CHHATTISGARH, BILASPUR**

• **MCRC No. 7512 of 2020**

- Muneshwar Agariya S/o Duhan Ram Lohar Aged About 48 Years R/o Village-Kuberpur, Police Station- Darima, Distt. Surguja, Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through, Station House Officer, Police Station-Darima, District- Surguja, Chhattisgarh

---- Respondent

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|---------------|---|-------------------------------|
| For Applicant | : | Mr. Awadh Tripathi, Advocate  |
| For State     | : | Ms. Hamida Siddiqui, Dy. A.G. |

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**S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**07/01/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.113/2019 registered at Police Station- Darima, District- Surguja, (C.G.) for the alleged commission of offence under Sections 302, 34 of IPC.
2. Prosecution case is that the applicant and co-accused assaulted the deceased resulting in homicidal death.
3. Learned counsel for the applicant would submit that even according to eyewitness account, a dispute originally started between Ravikant and the deceased and the allegation of assault is mainly against Ravikant and present applicant is alleged to have appeared after some time. Looking to the nature of injury reported in the post-mortem, it is wholly unlikely that applicant would have given any assault, therefore, in the present case, the applicant has been falsely implicated only because he happens to be father of the co-accused -Ravikant.
4. On the other hand, learned State counsel opposes and submits that eyewitness account *prima facie* shows that the applicant and the co-accused both assaulted the deceased and the post-mortem report shows number of

injury in different parts of the head and out of one prove to be fatal.

5. Considering the aforesaid material, present is not a fit case for grant of bail.
6. The bail application is accordingly rejected.

**Sd/-**  
**(Manindra Mohan Shrivastava)**  
**Judge**