

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8114 of 2020**

- Shankar Dhoba S/o Vishram Dhoba Aged About 36 Years R/o Village Jhariyapali, P.S. Gharghoda, District Raigarh Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Officer In Charge Police Station Gharghoda, (Wrongly Mentioned In Order Copy As Raigarh) District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Shri Ashutosh Mishra, Advocate
For State	:	Shri Pawan Kesharwani, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/02/2021**

1. The applicant has been arrested in connection with Crime No.216/2020 registered at Police Station – Gharghoda, District – Raigarh (C.G.) for alleged commission of offences under Section 302/34 of IPC.
2. Prosecution case is that the applicant and co-accused assaulted Jaisingh due to which, he died a homicidal death.
3. Learned counsel for the applicant would submit that the applicant has been involved on afterthought grounds because when the FIR was lodged by the brother of the deceased, name of the applicant was not named as one of the associates, with whom, the deceased had gone. It is next submitted that during investigation, the police has concocted certain eye witnesses of the case and on that basis, the applicant has been involved.
4. On the other hand, learned State counsel would submit that after lodging of report regarding homicidal death of the brother of the informant, during investigation, police has recorded case diary statements under Section 161 CrPC of Saifuddin, who has stated

that he had seen the incident of assault in which the present applicant was assaulting the deceased.

5. Considering the submission of learned counsel for the parties and that the involvement of the applicant is on the basis of an eye witness of the case, I am not inclined to grant bail to the applicant. The application is, accordingly, rejected.

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