

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7634 of 2020

- Rohit @ Pawan S/o Mr. Gokul Raj, Aged About 22 Years R/o Flat No. B-6, Saidham, Phase- 2, Torwa, P.S. Torwa, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Torwa, Bilaspur Chhattisgarh

---- Respondent

For Applicant	:	Mr. B.P. Sharma & Mr. Raza Ali, Advocates
For State	:	Mr. Somkant Verma, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.01.2021

1. Heard
2. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of bail as he was arrested on 14.06.2020 in connection with Crime No. 187/2020, registered in Police Station Torwa Distt. Bilaspur (C.G.) for offence punishable under section 302/34 of IPC.
3. As per the prosecution case, on 13.06.2020 on account of some previous enmity Ajay Jana was assaulted by the present applicant and the other co-accused and subsequently because of the injury inflicted, Ajay Jana died.
4. Learned counsel for the applicant would submit that the FIR was lodged by one Rakhal Jana and in the FIR the present applicant has not been named. He would further submit that in FIR, reference of one eye-witness

namely Raja Yadav has been made and in the statement of Raja Yadav also, initially the name of the applicant was not disclosed that too when he is the cousin brother of the deceased, the question of identification would be an issue. Therefore the applicant has been implicated subsequently. He further submits that initially applicant was not named but subsequent statements were exaggerated to involve the applicant in the case. It is stated that though the memorandum statement were recorded but it is highly controversial whether at the time he was under custody or not. Therefore at this stage since the main injury was inflicted by other accused, the name of the applicant has been falsely implicated. He further submits that the chargesheet has also been filed, therefore he may be enlarged on bail.

5. Learned State counsel submits that there are eye witnesses namely Raja Yadav and Manish Nanhet. They have categorically named the present applicant and the injury has been inflicted therefore the applicant is involved in the incident.

6. Perused the documents. The postmortem report shows that as there are 8 wounds inflicted; three incised wounds, one lacerated wound and one stabbed wound. Also perused the statement of Gopal Jana, the eye-witness, wherein he has named present applicant along with the other co-accused. Considering the statement, I am not inclined to grant bail to the applicant. Accordingly, the bail application filed under Section 439 of Cr.P.C. stands rejected.

7. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

