

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7862 of 2020**

- Vivek Rajak @ Ledga S/o Mr. Prahlad Rajak Aged About 20 Years R/o Dhobi Chowk, Ramsagarpara, Dhamtari, District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station City Kotwali, Dhamtari, District : Dhamtari, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Chakresh Tiwari, Advocate.
For State	:	Mr. Lalit Jangde, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****05/02/2021**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.184/2019 registered at Police Station- City Kotwali, District : Dhamtari, C.G. for the offence under Sections 302, 120 & 34 of IPC & Sections 25 & 27 of Arms Act.
2. Prosecution case is that the applicant and other co-accused assaulted the victim and the victim because of multiple injury, died on the spot.
3. Learned counsel for the applicant submits that the involvement of the applicant is based on fabricated evidence. He would submit that the involvement of the applicant is based on so-called eyewitness whose presence at the spot is very doubtful because in any case distance from which he claimed to seen the incident at the time of incident it is wholly improbable that he could have been identified the assailants. It is next submitted that witness has not clearly stated as to what kind of assault was given by the applicant. No weapon has been seized from the possession of the applicant.
4. On the other hand, learned State Counsel opposes and submits that the

incident of assault, in which, the victim died, has been seen by a witness, who has named the present applicant also as one of the assailants and deceased is found to have sustained multiple injuries.

5. Taking into consideration the submissions of learned counsel for the parties and material, present is not a fit case for grant of bail to the applicant.
6. The bail application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Ravi