

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No.7488 of 2021

- Govind Singh, aged 49 years, S/o Manharan Maravi, R/o Adivasi Mohalla, Ward No.2, P.S. Kharora, Dist. Raipur (CG)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through Kharora, District Raipur (CG).

....Non-applicant

For Applicant	:	Mr. Devershi Thakur, Advocate
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

30.11.2021

1. This is first application on behalf of applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as applicant is in custody since 5.6.2021 in connection with Crime No.219/2021 registered at Police Station Kharora, District Raipur for commission of offence punishable under Sections 450, 294, 323, 506, 302, 34 of IPC.
2. Case of prosecution, in brief, is that on 2.6.2021 at about 10:00 p.m. applicant along with co-accused Chhedan went to house of Ajay Marawi and started beating him on the ground that he is making phone calls to his relative Lakheshwari Bai. Ajay Marawi somehow managed to flee from spot. Thereafter accused persons started abusing and assaulting family members of Ajay Marawi. Meanwhile, Jayanti Bai, mother of Ajay Marawi, came on spot and they assaulted her also by legs, hands & fists. Co-accused Chhedan assaulted Jayanti Bai by means of plastic stool also which was lying on spot. Thereafter accused persons fled from spot. Next day, on the way to hospital, Jayanti Bai died. Dead body of Jayanti Bai was buried by her family members. However, on the basis of report lodged, the police with the permission of the District Magistrate took out dead body of Jayanti Bai and sent for post mortem examination. As per post-mortem report, deceased

suffered fracture injury on her head and fracture of 9th, 10th & 11th ribs, which was cause of her death. During the course of investigation, police recorded statement of Vijay Kumar Marawi, Chandrakanta Dhruv, Nand Kumar Marawi, Ajay Marawi, Jyoti Marawi & Akash Marawi. Based on statement of aforementioned witnesses, crime in question was registered against applicant & co-accused Chhedan. Applicant has been arrested on 5.6.2021.

3. Mr. Devershi Thakur, learned counsel for applicant would submit that from the contents of FIR and allegations made against applicant, it is apparent that applicant along with co-accused Chhedan went to house of complainant in search of Ajay Marawi, who is having illicit relation with Lakheshwari Bai. He pointed out that applicant gave only hand & fist blows to deceased; fracture injuries, which was cause of death of deceased, were caused by co-accused Chhedan. The doctor who conducted postmortem did not find any external injury on body of deceased. Even if the statement of eyewitness are taken as it is, then also offence under Section 302 of IPC would not be attracted against applicant. Applicant is in jail since 5.6.2021, hence he may be enlarged on regular bail.
4. On the other hand, Mr. Vimlesh Bajpai, learned Government Advocate for the State opposes the submissions made by learned counsel for applicant and submits that applicant along with co-accused Chhedan entered into house of deceased with intent to assault; they assaulted Ajay Marawi and his other family members. When deceased came on spot, they assaulted her also and caused fracture of frontal bone and 9th, 10th & 11th ribs, which was cause of death of deceased, as opined in post-mortem report. There are as many as six eyewitness to incident who have stated about participation of applicant also in commission of crime in question. Hence, applicant is not entitled for grant of bail. In support of his contention, learned State Counsel readout statement of eyewitnesses recorded under Section 161 CrPC.

5. I have heard learned counsel for the parties.
6. Taking into consideration facts and circumstances of case, nature of allegations, manner in which crime has been committed and also statement of eyewitnesses recorded under Section 161 of CrPC, I am not inclined to enlarge applicant on bail.
7. Accordingly, bail application is rejected.

Sd/-

(Parth Prateem Sahu)
Judge

roshan/-