

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8897 of 2020

1. Mohan Ratre S/o Late Lalit Kumar Ratre Aged About 23 Years R/o Village-Kathrapalli, Tahsil And P.S. Tamnar, District- Raigarh, Civil And Revenue District- Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh
2. Lokesh Miri S/o Shri Sukhlal Miri Aged About 20 Years R/o Village-Kathrapali, Tahsil And Police Station- Tamnar, District- Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station- Tamnar, District- Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

--Non-Applicant

For Applicants	:	Shri M.K. Sinha, Advocate
For Non-Applicant/State	:	Shri Sameer Uraon, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

05.02.2021

- 1) The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 2.9.2020 in connection with Crime No.295/2020 (wrongly mentioned as 295/2019), registered at Police Station-Tamnar, District Raigarh(CG) for the offence punishable under Sections 302 r/w 34 of the IPC.
- 2) Case of the prosecution is that complainant Narayan Chouhan has lodged a report on 1.9.2020 to the police that some unknown person has murdered Lalit Chouhan by assaulting him on his head with stone and he is lying in front of his house. During investigation, on the basis of information of the villagers, the applicants were taken into custody and in their memorandum statements they have accepted commission of crime.
- 3) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have not committed any offence. He further submits that the

applicants have been arrested on the basis of their memorandum statements, but nothing has been seized from their possession and there is no eye witness to the incident. He submits that as the applicants have been arrested on 2.9.2020 and trial is likely to take some time for its final disposal, therefore, the applicants be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. He submits that applicant No.1 is son of the deceased Lalit Ratre and relations between applicant No.1 and the deceased were not cordial and the deceased was not accepting, applicant No.1 as his son, therefore, he along with applicant No.2 had committed murder of the deceased by inflicting injury on head with a big stone and doctor has opined that the death was homicidal in nature; and at the instance of applicant No.1, the stone has been seized and mobile has been seized from applicant No.2.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and looking to the memorandum statements of the accused/applicants, in which applicant No.1 has admitted that as the deceased was not accepting him as his son and ousting him from home, he had assaulted the deceased by inflicting the stone on his head 5-6 times near the well and at his instance the stone was recovered from the well, I am not inclined to grant bail to the applicant No.1. Accordingly, the bail application filed on behalf of applicant No.1- Mohan Ratre is dismissed.
- 6) So far as applicant No.2- Lokesh Miri is concerned, only allegations against him are that he has accompanied applicant No.1 and one mobile has been seized from him and there is no other evidence against him, accordingly, the bail application filed on behalf of applicant No.2- Lokesh Miri is allowed.
- 7) It is directed that in the event of applicant No.2-Lokesh Miri executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on the following conditions:-

(a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/

**(Gautam Chourdiya)
Judge**

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