

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9012 of 2020**

- Ajay Verma S/o Shri Dhaniram Verma, Aged About 23 Years R/o Village Kanki, P.S. Kharora, District Raipur Chhattisgarh. Present R/o Bandri Road, Urla, P.S. Urla, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Urla, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-Applicant**MCRC No. 9144 of 2020**

- Lekhram Nishad @ Bhuri S/o Shri Kushal Nishad Aged About 24 Years R/o Village Lawatra, P.S. Kharsara, District Bemetara Chhattisgarh Present R/o Rajendra Nagar, Urla P.S. Urla District Raipur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Urla District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-Applicant

For Applicants	:	Shri Pragalbh Sharma, Advocate
For Non-Applicant/State	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Justice Shri Gautam Chourdiya**Order on Board****16/03/2021**

1. As both the MCRCs arise out of the same Crime number, they are being heard and disposed of by this common order.
2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the

applicants, who have been arrested on 24.7.2020 and 21.7.2020 respectively in connection with Crime No.234/2020, registered at Police Station- Urla, District Raipur(C.G.) for the offence punishable under Sections 302, 397 r/w 34 of the IPC.

3. Case of the prosecution is that on 15.7.2020 Truck driver Udal Singh Mahar was found dead in his Truck bearing registration No.CG 04 HX 9736 near Kanhera Road Sai Dharam Kata and on investigation, it was found that the applicants along with other co-accused persons have brutally assaulted the deceased and committed loot of two mobile phones and Rs.1000/- while the deceased was driving the Truck. During investigation, mobile phones were seized from the possession of the applicants and they accepted commission of crime. Offence was registered and the applicants were taken into custody.
4. Learned counsel for the applicants submits that the allegations against the applicants are false and fabricated and they have been falsely implicated in the case. He submits that there is no evidence against the present applicants regarding commission of offence and main allegations are against the co-accused Chandan Bharti. He submits that charge sheet has been filed and no offence is made out against the applicants under the above mentioned Sections of the IPC, therefore, at this stage, they may be granted bail.
5. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail. He submits that for committing loot, the applicants have brutally assaulted the deceased by hitting his head on steering of the truck and mobile phones have been seized from their possession. He further submits that in the memorandum statement, the juvenile "A" has accepted commission of crime. He also submits that many cases have been registered against the applicants under Sections 323, 294, 506B etc. of the IPC.
6. Having heard learned counsel for the parties, having considered the submissions and looking to the assault made by the applicants

on the deceased, the postmortem report of the deceased; memorandum statements of the applicants- Ajay Verma, Lekhram Nishad @ Bhuri and co-accused Chandan Bharti, juvenile "A", and recovery of the seized property from Chandan Bharti and Lekhram Nishad @ Bhuri, the material collected by the prosecution and report of criminal antecedents against the applicants, I am not inclined to grant bail to the applicants.

7. Accordingly, the bail applications are dismissed.

Sd/
(Gautam Chourdiya)
Judge

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