

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9249 of 2020

- Shyam Lal Banjare S/o Naindas Banjare Aged About 55 Years
R/o Vill.- Khairjhiti, P.S. Patharia, Distt.- Mungeli, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Patharia,
Distt.- Mungeli, Chhattisgarh. **---- Non-Applicant/State**

For Applicant	:	Shri Ajay Ayachi, Advocate
For Non-Applicant/State	:	Shri Ajay Kumrani, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

29.01.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 21.08.2020 in connection with Crime No. 291/2020, at Police Station- Patharia, District- Mungeli (C.G.) for the offence punishable under Section 302, 294, 506, 323 of I.P.C.
2. The allegation against the present applicant is that on 19.08.2020 at about 11 a.m. Ghanshyam Kurrey, resident of village Khairjhiti, received information that deceased Niranjan Banjare of the same village was assaulted with stone of cement-concrete and abused filthily by his father namely Shyam Lal Banjare over property dispute, as a result of which, deceased Niranjan Banjare sustained injuries on his mouth, chin and ear, the deceased was provided instant treatment but the deceased Niranjan Banjare succumb to the injuries.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he is falsely

implicated in the case. He submits that the deceased was in drunken condition fallen down and sustained injuries by his own and that the applicant/accused has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that prima-facie case is made out against the present applicant because the eye witnesses namely Ramashankar Banjare (PW-1) and Jivan Lal Banjare (PW-2) have deposed that the present applicant had assaulted his son/deceased Niranjana Banjare by stone of cement-concrete.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the material disclosed in the case diary, the manner in which the crime has been committed, nature of allegation, the statements of Ramashankar Banjare (PW-1) and Jivan Lal Banjare (PW-2), injuries of the deceased, I am not inclined to grant bail to the applicant, this Court finds no illegality or infirmity in the impugned order of the trial Court.
6. Accordingly, the application being without any substance is hereby rejected.

Sd/-

(Gautam Chourdiya)
Judge

Nadim