

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**CRA No. 1908 of 2023**

- Raghvendra Dubey @ Raghuraj S/o Ashok Kumar Dubey, Aged About 42 Years, R/o Ward No. 37 Maszid Dafai, Domanhil, Thana Chirmiri, District - Manendragarh Chirmiri Bharatpur, Chhattisgarh.

-----appellant

VERSUS

- State of Chhattisgarh through Station House Officer, PS. Chirmiri, District - Manendragarh-Chirmiri-Bharatpur, Chhattisgarh.

-----Non-appellant

For appellant : Mr. Parag Kotecha, Advocate
 For Non-appellant-State : Mr. Priyanshu Gupta, Panel Lawyer

SB: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****21/12/2023**

1. This criminal appeal is filed under Section 14 (2) A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 28.08.2023 passed by the learned Special Judge (Atrocities), Baikunthpur, District – Koriya, Chhattisgarh in Bail Application No. 271/2023 in connection with Crime No. 369/2022 registered at Police Station – Chirmiri, District - Manendragarh Chirmiri Bharatpur for the offence punishable under Section 302, 190, 201, 34 of IPC and u/s. 3 (1) (2) (v-a) *[in the order wrongly mentioned 5-a]* of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution is that, in the evening of 30.07.2022, the appellant along with other co-accused persons entered into the house of deceased person and started hurling abuses and during the course of hurling and quarrel, the appellant gave a blow by

means of club on the head of the deceased, due to which, the deceased suffered greivous injuries and was taken to the hospital at Chirmiri. Thereafter, the deceased referred to District Hospital, Baikunthpur and then Mekahara Hospital, Dist. Raipur. During the coruse of treatment, the deceased succumbed to his injuries and the incident was reported to the concerned police station. Based upon which, the aforementioned crime was registered against the appellant and one the other co-accused namely, Ram Anjor Dubey and the appellant was arrested on 25.05.2022.

3. Learned counsel for the appellant submits that according to the charge-sheet, there was only one witness of the incident i.e. Parvati and now, she has also been examined before the Trial Court and she has not supported the case of the prosecution. She had also appeared before this Court and has raised no objection against the appellant and therefore, the appellant may be enlarged on bail.
4. On the other hand, learned State counsel opposes the submission made by learned counsel for the appellant and would submit that there are specific allegation against the appellant of giving a blow by club on the head of the deceased. He also submits that the eye-witness Parvati have not completely turned hostile in her court statement and she has stated that at the time of quarrel with the applicant, blow by club was given by some person. There is charge under Section 201 and 34 of IPC also along with other charges.
5. I have heard learned counsel for the respective parties and also perused the documents placed in record.
6. Taking into consideration the facts and circumstances of the case, documents enclosed along with this application and submission of counsel for the respective parties, the grounds raised by the counsel for the appellant is subject matter of appreciation of the

learned Trial Court, I do not find present to be a fit case to enlarge the appellant on bail .

7. Accordingly, the bail application for grant of bail is rejected at this stage. However, taking note of the fact that the appellant is in jail since 25.05.2022 , learned Trial Court is directed to expedite the Trail.

Sd/-
(Parth Prateem Sahu)
Judge