

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No. 1802 of 2015

- Sukhdev Singh s/o. Jagmohan Singh, aged about 60 years, Caste Gond, r/o. Village & P.O. Surta (Bazaarpara), Police Station & Tehsil Ramanujnagar, Revenue & Civil District Surajpur (CG).

---- Applicant

Versus

- State of Chhattisgarh Through : Station House Officer, Ramanujnagar, Revenue & Civil District Surajpur (CG).

---- Respondent

For Applicant	:	Mr. Surfraj Khan, Advocate.
For Respondent/State	:	Mr. Omprakash Sahu, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

7/7/2015

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 13-11-2014 in connection with Crime No. 117 of 2014 registered at Police Station Ramanujnagar, District Surajpur (CG) for the offence punishable under Sections 147, 148, 149, 294, 307, 302 of the IPC.
2. The case of the prosecution, in brief, is that on 11-7-2014 at about 10.00 a.m., present applicant along with seven other co-accused persons assaulted Sunder Yadav aged about 70 years as a result of which he sustained injuries and he died during the course of medical treatment and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the present has not committed any offence and he has been falsely

implicated in the case. He would further submit that the complainant party were aggressors and they assaulted the applicant, Budhal and other eight persons and Budhlal sustained grievous injury and in this regards present applicant lodged first information report against the complainant party on the basis of which case was registered (Crime No.116 of 2014) under Sections 147, 148, 149, 294 and 307 of IPC and Section 3 (2)(v) of the SC&ST (Prevention of Atrocities) Act, 1989 and the complainant party are facing trial. He would further submit that five co-accused persons namely Budhlal, Budhiyaro, Kayaso, Leelavati & Kailaso Bai have already been granted bail vide order dated 9-2-2015 & 30-3-2015 passed by this court in M.Cr.C.Nos 291 of 2015 & 973 of 2015. The injury allegedly suffered by Sunder Yadav is a lacerated wound and no hard and blunt object has been recovered from the possession of the applicant and he is in jail since 13-11-2014. He would further submit that present applicant had filed a Civil Suit No.69-A/2010 against Ramsunder, Radhe and Mohan in which temporary injunction has been granted in favour of the present applicant by the Civil Court on 17-3-2011, restraining other side from interfering with the possession of their land which is in operative. He would further submit that charge—sheet has been filed, the applicant is in jail since 13-11-2014 and no useful purpose would be served by detaining him in jail, therefore, he be released on bail.

4. On the other hand, learned counsel appearing for the State opposing the bail application would submit that sharp edged weapon has been recovered from the possession of the present applicant and Sunder

Yadav aged about 70 years died as he suffered grievous injury by the applicant by that weapon, therefore, he is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration all the facts and circumstances of the case, nature and gravity of the offence, role of the present applicant in the offence in question, recovery of sharp edged weapon by which injuries are alleged to have been caused to deceased Sunder Yadav and the case of the present applicant is distinguishable from the case of other co-accused persons who have been granted bail by this court and further taking into apprehension of the State that present applicant is likely to repeat the same offence, I am of the considered opinion that it is not a fit case where the applicant can be enlarged on bail.
7. Accordingly, the instant bail application is liable to be and is hereby rejected.

Sd/-

(Sanjay K. Agrawal)
Judge