

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4314 OF 2015**

Pawan Sahu son of Raju Sahu, aged about 30 years, resident of Dharmapedgobhipura, Nagpur, District –Nagpur (Maharashtra) at present resident of Village Baijalpur, Police Station & District Bemetara (C.G.)

---Applicant**Versus**

State of Chhattisgarh Through : Station House Officer, Police Station Bemetara, District Bemetara (C.G.).

---Non-applicant

For Applicant	:	Mr. Vipin Singh, Advocate.
For-Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****25/08/2015**

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 in connection with Crime No. 237/2015 registered at Police Station Bemetara, District Bemetara (C.G.), for the offence punishable under Section 302, 34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, applicant and other two co-accused persons have allegedly assaulted Ganga Prasad by hands and fists by which he suffered injury and subsequently died.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that on account of engagement ceremony some dispute arose between the parties with regard to Silver Ring given by

deceased's family and there is no intention to cause death. He would lastly submit that charge sheet has been filed and applicant is in jail since 27/04/2015, therefore he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that there is testimonies of Smt. Bundela Bai, Ramdhan and Kanhaiya Sahu and they have seen assaulting deceased.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the applicant in offence in question and the manner in which applicant and other co-accused persons are said to have assaulted Ganga Prasad by which he suffered injury and died, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected. However, the trial Court concerned is directed to expedite the trial and decide the case as early as possible.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE