

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6098 of 2015

1. Sumitra Ekka, wife of Sahdev Ekka, aged about 35 years,
2. Smt. Fhul Bai, wife of late Lal, aged about 65 years

Both residents of Rajpur, P.S. Rajpur, District Balrampur, Revenue
Distt. Balrampur, Civil District Sarguja, Chhattisgarh ... **Petitioners**

Versus

State of Chhattisgarh through Station House Officer, Rajpur, District
Balrampur- Ramanujganj, Chhattisgarh ... **Respondent**

For the applicant	:	Mr. C.J.K. Rao, Advocate
For the Respondent	:	Mr. Omprakash Sahu, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24 .11.2015

1. This is an application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No. 84/2015 registered at Police station Rajpur, Distt. Balrampur-Ramanujganj for the offence punishable under section 302 and in the alternative section 302/34-A & Section 201 IPC.
2. As per the prosecution case, the applicants along-with other accused Jaimuliya Budhlal committed murder of Harilal. The other co-accused Jaimuliya was wife of deceased. It is alleged that on 01.06.2015 at 3.30 p.m., four accused persons had tied the deceased with rope and assaulted him and left the deceased in sunlight. Thereafter, he was set at large at 9 o' clock in the night. Subsequently, the deceased was admitted in Hospital and during treatment he died on 11.06.2015.
3. Learned counsel for the applicants submits that according to the statements itself the deceased Harilal was habituated in consuming alcohol and on the date of incident on 01.06.2015 after consuming liquor when he demanded money in state of inebriated condition, he was tied by the mother, sister and wife of deceased and

subsequently, he was set at large at 9 o' clock. Thereafter, after 8 days he died. He further submits that the deceased was admitted in Hospital on 09.06.2015 and died on 11.06.2015, therefore, a case of homicidal nature has not been made out. He further submits that similarly placed co-accused Budhlal has been granted by this Court in M.Cr.C.No.5768 on 02.11.2015 and the case of the present applicants is similar to that of co-accused therefore, being in parity with the case of other co-accused, the present applicants may also be granted bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that according to the postmortem report, the death was homicidal in nature and because of the beating, the deceased died. However, he does not dispute the fact that co-accused has been granted bail.
5. I have gone through the charge sheet and also the postmortem report as also other evidence collected by the prosecution.
6. Having regard to the fact that the deceased died on 11.06.2015 and the allegation of beating was of 01.06.2015 and also the fact that similarly placed co-accused has been enlarged on bail by this Court in M.Cr.C.No.5768/2015, this Court is inclined to release the applicant on bail.
7. Accordingly the application is allowed and the applicants are directed to be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the trial Court. They shall appear before the said Court on each and every date to be give by the said Court.
8. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**