

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6237 of 2015

1. Santram S/o Pitambar Gond Aged About 28 Years R/o Village Janghora, P.S. Pithoura, Tahsil Pithoura, Civil And Rev. Distt. Mahasamund Chhattisgarh.
2. Poonam Thakur S/o Dashrath Thakur Aged About 22 Years R/o Village Janghora, P.S. Pithoura, Tahsil Pithoura, Civil And Rev. Distt. Mahasamund Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Pithoura, Distt. Mahasamund Chhattisgarh.

---- Respondent

For Applicant	:-	Shri Awadh Tripathi, Advocate
For Respondent/ State	:-	Shri Ramakant Mishra, Dy. Advocate General

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

24/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 113/2015 registered at Police Station- Pithoura, District – Mahasamund (C.G.) for the offence punishable under Section 302, 34 of IPC.
2. As per prosecution on 08.07.2015 a dispute was arose and Dasharath Sahu was beaten by Maniram Kewat and this applicants Santram and Poonam Thakur also supported for the commission of crime, hence the offence has been registered against them.
3. Counsel for the applicants submit that the applicants have been falsely implicated in this case and the charge sheet in this case

has already been filed. He further submits that no allegation or overt act against these applicants, the assault was made by the main accused Maniram Kewant on the deceased Dashrath Sahu but they have been arrested by the Police with the allegation that at the time of the alleged incident the applicants were present. Thereafter, Maniram Kewat goaded on the motorcycle and fled away from the place. He further submits that considering the role played by these applicants; they may be enlarged on bail.

4. Per contra, state counsel opposes the prayer for grant of bail.
5. Having regard to the fact that the allegation of assault is on the accused Maniram Kewat and the witnesses have stated that Maniram Kewat assaulted the deceased and thereafter goaded on motorcycle and fled away from the scene. Considering the fact, for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge