

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4335 of 2015

1. Sukdeo S/o Singharam Chandrakar Aged About 40 Years R/o Village - Sukhataal, Outpost - Khandsara, P.S. Bemetara, Distt. Bemetara Chhattisgarh Civil & Revenue Distt. Bemetara Chhattisgarh

2. Uttam S/o Gopal Chandrakar Aged About 32 Years R/o Village - Sukhataal, Outpost - Khandsara, P.S. Bemetara, Distt. Bemetara Chhattisgarh Civil & Revenue Distt. Bemetara Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through : Police Chouki - Khandsara, P.S. Bemetara, Distt. Bemetara Chhattisgarh

---- Respondent

For applicants – Shri Neeraj Mehta, Advocate.
For Respondent/ State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/10/2015

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 87/2015 registered in Police Station Outpost Khandsara, PS Bemetara for offence punishable under section 302, 147, 148 and 149 of IPC.

2. As per the prosecution case the applicants along with other accused committed murder of one Ghanshyam on 7/02/2015 by tying him with the electric pole and thereafter assaulted him by way of club since on animosity that the Ghanshyam has committed murder of Chhamman who was related to the applicants. After charge sheet filed eye witnesses have been examined.

3. Learned counsel for the applicants submits that in this case six eye witnesses have been examined and they have not supported the case of the prosecution and has not named Sukhdeo and Uttam that they have assaulted the deceased Ghanshyam. He submits that no seizure and recovery has been made from Uttam and only lathi was recovered from Sukhdeo which also do not contain any blood stain, therefore, applicants may be enlarged on bail.

4. Learned State counsel in reply submits that eye witnesses though have been examined but they have not named applicants Sukhdeo and Uttam they caused assault and further it is also contended that no memorandum and seizure was made from Uttam and only lathi was recovered from Sukhdeo and FSL is not present. He further submits that however fact has to be appreciated at the time of final hearing.

5. I have heard learned counsel for the parties.

6. Having regard to the statement of the eye witnesses that they have not named Sukhdeo and Uttam that they assaulted deceased, this court is inclined to release the applicants on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicants shall be released on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE