

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5097 of 2015

1. Narsingh Korva, S/o Somaru Korva, aged about 45 years,
2. Bhim Sai, S/o Ropan, Caste Pahadi Korva, aged about 23 years,
3. Chandar Sai, S/o Ratnu, Caste Pahadi Korva, aged about 32 years,
4. Singh Ram, S/o Mohan, Caste Pahadi Korva, aged about 29 years,

All resident of Village Gersa, Chitalata, Parsa Dhab, P.S. Lundra, District Suruguja (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Police Station Lundra, District Suruguja (C.G.)

---- Non-applicant

For Applicants:	Mr. A.K. Yadav, Advocate.
For Non-applicant:	Mr. Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

28/09/2015

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.42/2015 (Criminal Case No.907/2015 pending in the Court of Judicial Magistrate First Class, Ambikapur), registered at Police Station Lundra, Distt. Surguja for the offence punishable under Sections 147, 148 and 304 read with Section 149 of the IPC.
2. Case of the prosecution, in brief, is that on 14-4-2015 at 5 p.m., the applicants and two other co-accused persons assaulted deceased Bhagwan Korva by wooden stick, hands and fists by which he suffered grievous injuries and died.
3. Learned counsel for the applicants submits that the applicants have not

committed any offence, they have been falsely implicated in the case and they are in custody since 26-4-2015. He further submits that there is delay of 12 days in lodging the FIR and there is no evidence to connect the applicants with the crime in question, in fact, the deceased attempted to commit rape with wife of applicant No.1 and later-on, he died due to chronic liver disease on 21-4-2015.

4. On the other hand, learned State counsel opposes the bail application and submits that the accused persons have assaulted the deceased and lathi and other incriminating articles have been seized from the possession of applicants No.1 and 2.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, the act attributed to applicants No.1 & 2 and recovery of lathi, I do not find it a fit case for grant of regular bail to them. Consequently, the bail application so far as it relates to applicants No.1 & 2 namely Narsingh Korva & Bhim Sai, respectively, is rejected.
7. However, considering the role of applicants No.3 & 4, evidence available in the case diary, their pretrial detention and charge-sheet has been filed, I am of the view that it is a fit case to enlarge them on regular bail. Accordingly, the application so far as it relates to applicants No.3 & 4 namely, Chandar Sai & Singh Ram, respectively, is allowed.
8. It is, therefore, directed that Chandar Sai & Singh Ram be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge