

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5336 of 2015**

APPLICANT : Dhannu Yadav,
(In Jail) S/o Late Pandru, Aged about 46 years,
Caste Yadav, R/o Village – Bakhru Para,
Narayanpur, District Narayanpur (C.G.)

Versus

NON-APPLICANT : State of Chhattisgarh, Through Station House
Officer, Police Station – Narayanpur,
District Narayanpur (C.G.)

For the applicant : Shri N.K. Chatterjee, Advocate.
For the respondent/
State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****27-10-2015**

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.164/2014 registered at Police Station Narayanpur, District Narayanpur (C.G.) for offence punishable under Section 302 of the IPC.

2. Case of the prosecution, in brief, is that on 09-11-2014 at about 9-00 PM., the applicant has assaulted Santuram Sori by Tangi on his head due to which he sustained head injury and thereafter, he was admitted in the hospital from 10-11-2014 to 22-12-2014 and subsequently, died on 26-12-2014 and thereby committed the aforesaid offence.

3. Learned counsel appearing for the applicant would submit that the death of Santuram Sori cannot be attributed to the applicant as the he was admitted in the hospital from 10-11-2014 to 22-12-2014 and thereafter, died on 26-12-2014 i.e. after about 1½ of months and it cannot be said that the offence under Section 302 of IPC is made out. He further submits that the applicant is in jail since 16-12-2014, therefore, he may be enlarged on bail.

4. *Per-contra*, learned counsel appearing for the State has opposed the

application for bail.

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

6. Having considered the facts of this case and taking into account that admittedly, assault was made by the applicant with axe (Tangi) to the deceased Santuram, considering the statement of the eye witnesses namely, Manki Bai, Nehru Salam, Chaituram Kawde and Shyam and the nature of offence, I am not inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is liable to be and is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE

HIGH COURT OF CHHATTISGARH, BILASPUR

SB : Hon'ble Shri Sanjay K. Agrawal, J.

M.Cr.C.No. 6826 of 2014

APPLICANT : Sudhil @ Sudhir Ekka
 Versus

NON-APPLICANT : State of Chhattisgarh.

Application under Section 439 of the Code of Criminal Procedure, 1973

 Appearance: Mr. Shivendra Bharadwaj, counsel for the applicant.
 Mr. Luv Sharma, P.L. for the State.

ORDER
 (22-12-2014)

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.113/2014 registered at Police Station Bagbahar, District Jashpur for offence punishable under Sections 363 and 370 of the IPC. The applicant has been arrested on 25-07-2014.
3. Allegation against the present applicant is that he abducted and took away some boys, namely Karan, Vinod Yadav, Jainandan Khadiya, Ramesh Khadiya, Tejkumar Paikra and Rajesh Kumar to Karnataka in order to exploit them and thereby committed the aforesaid offence.
4. Learned counsel appearing for the applicant would submit that the father of Karan, namely, Fucha Ekka has sworn in an affidavit indicating that the present applicant did not abduct his son Karan and his son Karan had gone outside to earn money at his own will. The present applicant is in jail since 25-07-2014. Therefore, he may be released on bail.
5. On the other hand, learned counsel appearing for the State opposed the application for bail.

6. Taking into consideration the facts and circumstances of the case and further considering that complainant Fucha Ekka, the father of abducted boy Karan had lodged complaint in the Police Station against the present applicant against abduction of his son Karan and other five boys of his village and made a statement under Section 161 of the Cr.P.C. during investigation before the Investigating Officer regarding the said abduction by the present applicant, but after recovery of the six abducted boys from the possession of the present applicant by the police, filing the affidavit of Fucha Ekka of non-involvement of the present applicant in the offence, which clearly indicates tampering of prosecution witness by the present applicant, I do not consider it a fit case to release the applicant on bail under Section 439 of the Cr.P.C. Hence, the instant bail application stands rejected.

J U D G E

