

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2794 of 2016

1. Rupendra Dewangan @ Atank @ Upendra, S/o. Late Jagatram Dewangan, Aged About 23 Years, R/o. Village Korasi, Police Station Kharora, District Raipur. Presently Residing At Shanti Nagar Birgaon, Besides Patel Provision Shop, Police Station Urla, District Raipur, Chhattisgarh.
2. Suraj Verma, S/o. Santram Verma, Aged About 23 Years, R/o. Khudmuda, Police Station Berla, District Bemetara. Presently Residing At Santoshi Nagar, Birgaon, Behind Gopi Kirana Stores, Urla, District Raipur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Urla, District Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Pushpendra Kumar Patel, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.19/2016 registered at Police Station- Urla, District Raipur (C.G.) for the offence punishable under Section 302, 307, 34 of Indian Penal Code and Section 25/27 of Arms Act.
2. Case of the prosecution, in brief, is that on 11.01.2016, it is alleged that the applicants were loitering on the road with knife in their hands and while two persons namely Sushant Malik and Krishna Nandan were going there, dispute arose and they were assaulted thereby Krishna Nandan died and Sushant Malik sustained injuries.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and no identification has been made in respect of the accused/applicants, therefore, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that three eye-witness have been present namely Sushant Malik, Sapan and Smt. Savita Verma.
5. Considering the statement of the eye-witness Sapan, Smt. Savita Verma and one witness Sushant Malik who is also a victim, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge