

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5014 of 2016

1. Sukhan Sai Paikara, S/o. Late Dikasai Paikara, aged about 48 years,
 2. Mansu Paikara, S/o. Balvir Paikara, aged about 38 years
 3. Sundaram Baghel, S/o. Girjashankar Baghel, aged about 18 years
- All are R/o. Dipadihkala, Police Station – Shankargarh, Balrampur,
District – Balrampur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : the Police Station – Shankargarh,
District – Balrampur (C.G.)

---- Respondent

For Applicant : Mr. S.C. Verma, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

03/10/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.22/2016, registered at Police Station – Shankargarh, District – Balrampur (C.G.) for the offence punishable under Section 302/34 of the Indian Penal Code, 1860.
2. As per prosecution case, on 25.03.2016 one Nitesh Cherwa went to play Holy to the house of present applicants, wherein on some reason or other some dispute took place and present applicants assaulted the deceased, Nitesh by fist and kick. Subsequently, he died on the next day.

3. Learned counsel for the applicants submits that the deceased, Nitesh Cherwa was caught red handed in compromising position with one Seema Paikara, the daughter of the present applicant No.1 and therefore, the dispute took place. It is further submitted that maximum the case would fall under Section 325 of I.P.C. and it can not be stated to be a murder. It is further submitted that charge-sheet in th is case has been filed and the applicants are in jail since 27.03.2016, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of Ku. Seema Paikara and Anupa Bai, wherein allegation of assault has been attributed to the present applicants and further reading the statements with the postmortem report, I am not inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge