

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7037 of 2016

1. Santosh Jangde, S/o. Gendram Jangde, Aged About 36 Years.
2. Pritam Jangde, S/o. Gendram Jangde, Aged About 29 Years.
3. Urmila Bai, W/o. Gendram Jangde, Aged About 50 Years.

All R/o. Village Sonbarsa, Police Station Bhatapara Grameen, Civil
& Revenue District Baloda Bazar, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station Bhatapara Grameen,
Civil & Revenue District Baloda Bazar, Chhattisgarh

---- Respondent

For Applicants : Mr. Adil Minhaj, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.11.2016

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.250/2016 registered at Police Station- Bhatapara Grameen, District Baloda Bazar (C.G.) for the offence punishable under Sections 302, 34 of Indian Penal Code.
2. As per the prosecution case, on 07.09.2016 over performing a Ganesh pooja at Jaitkhamb Chowk at village Sonbarsa. The deceased Shiv Kumar Khunte when objected Gendram Jangde, a scuffle took place in between Shiv Kumar & Gendram. Subsequently, while the deceased Shiv Kumar was going back, he was again assaulted by Santosh, Pritam & Urmila who are the family members of Gendram and after some time, the deceased Shiv Kumar died.

3. Learned counsel for the applicants would submit that the main allegation is against Gendram Jangde as the scuffle took place in between Shiv Kumar Khunte and Gendram Jangde. He further submits that the applicants have been falsely implicated as the entire allegations have been attributed to Gendram, therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and statement of the witnesses Vijendra Kumar Khunte & Amar Das Jangde. Taking into the statements and the allegations attributed to Santosh Jangde & Pritam Jangde, I am not inclined to release them on bail. Accordingly, the bail application on behalf of the applicant No.1 Santosh Jangde and applicant No.2 Pritam Jangde is dismissed. However, considering the facts & circumstances and the nature of allegation with respect to the applicant No.3 Urmila Bai, I am inclined to release her on bail. Accordingly, the bail application on behalf of the applicant No.3 Urmila Bai is allowed.
6. It is directed that the applicant No.3 shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge