

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7015 of 2016

1. Umesh Koushik S/o Shri Santosh Koushik, Aged About 18 Years R/ Village Dhorli Post Dharamgarh, Police Station & Tahsil - Sanhaspur Lohara, District Kabirdham Chhattisgarh
2. Hanshraj Koushik, S/o Shri Santosh Koushik, Aged About 20 Years R/o Village Dhorli Post Dharamgarh, Police Station & Tahsil Sanhaspur Lohara, District Kabirdham Chhattisgarh --- **Applicants**

Versus

- State of Chhattisgarh Through District Magistrate / Police Station Sanhaspur Lohara District Kabirdham Chhattisgarh --- **Respondent**

For the applicant	:	Mr. R.S. Patel, Advocate.
For the Respondent	:	Mr. Anupam Dubey, Dy.Govt. Adv.

MCRC No. 7310 of 2016

1. Palu @ Jaipal S/o Dhanush Lodhi Aged About 36 Years Occupation - Agriculture, R/o Village - Pendrikhurd, Police Station - Sahaspur Lohara, Civil & Revenue District - Kabirdham Chhattisgarh
2. Lokesh Gond S/o Shyam Gond Aged About 19 Years R/o Village - Dorli (Wrongly Mentioned As Dhorli In The Impugned Order Sheet), Post Dharamgarh, Police Station - Sahaspur Lohara, Civil And Revenue District - Kabirdham Chhattisgarh --- **Applicants**

Versus

- State of Chhattisgarh Through - District Magistrate / Station House Officer, Police Station - Sahaspur Lohara, District - Kabirdham Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Dharmesh Shrivastava, Advocate.
For the Respondent	:	Mr. Anupam Dubey, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.11.2016

1. These bail applications have been filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 201/2016 registered at P.S. Sahaspur Lohara, Distt. Kabirdham (C.G)

for the offence punishable under Sections 307, 452, 294, 506, 323, 147, 148 & 149 of IPC. Since both these applications are relating to the same crime number, they are being decided together by this common order.

2. As per the prosecution case, on 16.09.2016 the applicants/accused Umesh Koushik, Hansraj Kaushik, Palu @ Jaipal and Lokesh Gond along-with four other accused namely Jagmohan Gond, Arun Kaushik, Niklesh Kaushik and Raja Kaushik picked quarrel with complainant party over selling of liquor in village and assaulted Dukhit Ram, Ramavatar and Kaushalya Bai whereby Ramavatar sustained grievous injury which was sufficient to cause death.
3. Learned counsel for the applicant would submit that in fact complainant Ramavatar was selling liquor which was objected by applicant Palu @ Jaipal and earlier a report was made. Subsequently when the dispute aggravated and the applicants were attacked, the incident happened and there was no intention to kill, therefore, the applicants may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of Ramavatar, Dukhit Ram and Kaushalya Bai wherein it is alleged that the applicants forcibly entered into the house of complainant and assaulted them.
6. Taking into the background of the case and nature of the evidence collected by the prosecution I am not inclined to release the applicants on bail. Accordingly, both the bail applications are rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**