

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6183 of 2017

Ram Awatar Singh S/o Sukhdev Singh, @ Bifal Singh, Aged About 37 Years
Caste Gond, R/o Village Surta, Majapara, Police Station Ramanujnagar,
District Surajpur Chhattisgarh. **----Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Surajpur, Revenue &
Civil District Surajpur Chhattisgarh. **---Respondent**

For Applicant	:	Shri Surfaraj Khan, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/11/2017

Heard.

1. The applicant has been arrested in connection with Crime No.117 of 2014 registered at Police Station- Ramanujnagar, District Surajpur (C.G.) for the alleged commission of offence under Section 147,148,149,294,307,325,302 of IPC.
2. Case of the prosecution is that the applicant and other co-accused are involved in unlawful assembly and assault on various persons with intention to commit murder and also murder of one Ramsunder.
3. Learned counsel for the applicant would submit that as there was a group fight and therefore, the applicant cannot be attributed for the overt act committed by some other person. He would submit that the allegation of laying assault on Ramsunder is not on the applicant. He would further submit that similarly situated accused namely : Leelavati, Kailaso Bai, Roshan Singh, Hiralal, Budhlal, Budhiyaro, Kayaso have been granted bail.

Therefore, the applicant may also be granted bail as his case is also similarly situated.

4. On the other hand, learned counsel for the State has opposed the bail application and submit that the allegations are grave in nature. The applicant remained absconding until he was arrested on 05.06.2017 and if he is granted bail, he may again abscond which may hamper trial, therefore, the applicant may not be granted bail.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the case diary statement, contents of FIR and the role alleged to be played by the applicant in the alleged group fight and further that the allegation of assault on the deceased Ramsunder is on another co-accused and that number of co-accused have already been granted bail, this application is also allowed. However, considering that the applicant remained absconding for along period, the bail is granted to the applicant subject to furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court for his appearance.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge