NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.5890 of 2017

1. Nan Say Minj S/o Thunu Ram Aged About 40 Years Occupation Agriculture Caste - Uranw, R/o Village Dhodha Keshara, Police Chauki- Kunni, Police Station Lakhanpur, District Surguja Chhattisgarh.
2. Shani Ram S/o Bansi Aged About 60 Years Occupation Agriculture Caste - Sauta, R/o Village Dhodha Keshara, Police Chauki- Kunni, Police Station Lakhanpur, District Surguja Chhattisgarh.
3. Ratan Ram S/o Khuta Ram Aged About 70 Years Occupation Agriculture Caste - Sauta, R/o Village Dhodha Keshara, Police Chauki- Kunni, Police Station Lakhanpur, District Surguja Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Lakhanpur, District Surguja Chhattisgarh.

---- Respondent

For applicant : Shri Vikas Pandey, Advocate
For respondent/State : Shri Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

23.11.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, for grant of bail to the applicants who have been arrested on 13.7.2017 in connection with Crime No.112/2017, registered at Police Station Lakhanpur, Distt. Surguja (CG) for the offence punishable under Sections 302, 201, 202 read with Section 34 of the Indian Penal Code

2. As per the prosecution story, date of incident is 26.6.2017 and name of the deceased is Sukhram. As per the statement of the witnesses two persons namely Mankeshwar and Khoorsai assaulted

the deceased by hands, fists and legs. Role of the present applicants is confined to that offence was committed in their presence but they intentionally omitted to give any information in respect of said offence which they were legally bound to give and for that charge under Section 202 of IPC has been framed by the trial Court against them.

3. Learned counsel for the applicants submits that the applicants are innocent and they are in custody since 13.7.2017. As the trial may take some time for its conclusion, they 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 for the parties and perused the case diary.

6. Taking into consideration the fact that as the offence under Section 202 IPC is a bailable offence, the applicants are entitled for bail for facing the trial.

7. Accordingly, bail application filed under Section 439 CrPC is hereby allowed.

8. It is directed that the applicants shall be released on bail on furnishing a persons bond for a sum of Rs.20,000/- each with one solvent surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Ram Prasanna Sharma)
JUDGE

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