

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 425 of 2017

1. Sheetal Ram Kanwar, S/o. Sandhura Kanwar, Aged About 60 Years.
2. Laldev Ram, S/o. Sheetal Ram Kanwar, Aged About 23 Years.

Both are R/o. Village- Natwar Nagar, Thana- Kusami, Revenue District- Balrampur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station- Kusami, Revenue District- Balrampur, Chhattisgarh.

---- Respondent

For Applicants : Mr. R.V.Rajwade, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/02/2017

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.04/2016 registered at Police Station- Kusami, District Balrampur (C.G.) for the offence punishable under Section 449, 302/34 of Indian Penal Code and Section 5 of Chhattisgarh Tonahi Pratadna Nivaran Act, 2005.
2. As per the prosecution case, one Bhikhani Bai was assaulted by one Narendra by way of Axe on 03.02.2016 on the ground that she was performing Witchcraft and it is alleged that when the assault was made, the applicants were also accompanied with the other accused.

3. Learned counsel for the applicants would submit that the husband of the deceased Sujuram has been examined, which would show that the applicants have not caused any assault and mainly the assault was caused by one Narendra by way of Axe; therefore, the applicants have been falsely implicated, hence they 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 Sujuram. Taking into the nature of allegation which prima facie appears to be against Narendra, without any observation on merit, taking into fact that the applicants are in jail since 03.02.2016 & 03.06.2016, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge