

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 785 of 2017

1. Ajay Netam, S/o. Shri Sadaram Netam, Aged About 19 Years,
2. Satish Mandavi, S/o. Shri Sevakram Mandavi, Aged About 20 Years,
3. Surendra Kumar Markam, S/o. Late Mainuram Markam, Aged About 25 Years, Caste-Gond.

All R/o. Saikunda, Police Outpost- Dudhawa, Police Station- Narharpur, District- Kanker, Chhattisgarh, Civil & Revenue District- North Bastar Kanker, Chhattisgarh.

----Applicants

Versus

1. State Of Chhattisgarh, Through : The Police Station : Narharpur, Police Outpost - Dudhawa, District Kanker, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sandeep Shrivastava, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/03/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.185/2016, registered at Police Station – Narharpur (P.S. - Dudhawa), District – North Bastar Kanker (C.G.) for the offence punishable under Section 341, 294, 323, 506, 302, 201, 120 (B), 147, 148 of Indian Penal Code.
2. Case of the prosecution, in brief, is that in the intervening night of 11-12/10-2016 while the deceased -Yashwant Uike, Tomanlal and Mahendra Sahu were going from village Saikunda to Kondalbhathi, they were intercepted by the applicants – Ajay Netam, Satish Mandavi

and Surendra Kumar Markam with the allegation that the girl is being taken to other village, thereafter the girl and three boys were brought to the house of one Bhagwan Singh Netam. Thereafter, in the night again Jageshwar, Shambhu Ram Markam, Pratap Netam and Ramsagar Markam came there and took out the boy – Yashwant and committed murder and thereafter his body was hanged in one of the house. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the incident had taken place in two phases and in the first phase, present applicants only intercepted and stopped the boys and girl and they have not committed any murder and they have brought in the village. Subsequently, other co-accused persons took out the boy and thereafter killed him. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 18.10.2016, therefore, the applicants 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 appearing for the parties.
6. Perused the case diary, documents, memorandum statement of Jageshwar as also the postmortem report, wherein the main allegation appears to have been attributed to Jageshwar, which is supported by postmortem report. Considering the facts and circumstances of the case and further taking into the role played by the present applicants, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram