

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1288 of 2017

Tajsharan Singh @ Tota wrongly written as Tita, S/o. Tribhuwannath Singh @ Tribhuwan, Aged About 26 Years, R/o. Village Rajkheta Police Station Sitapur, District- Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, Police Station Sitapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. C. Jayant K. Rao, Advocate

For Respondent : 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 for grant of regular bail to the applicant who has been arrested in connection with Crime No.54/2016 registered at Police Station- Sitapur, District Surguja (C.G.) for the offence punishable under Sections 302, 307, 325, 323 r/w Section 34 of Indian Penal Code.
2. As per the prosecution case, on 16.04.2016 when the complainant Leelavati went to pluck tamarind along-with Jeevit Kumar Singh, the applicant and other accused Deepak Singh, Tribhuwan Singh who is the brother of Jeevit Kumar Singh and Smt. Purnima Singh objected them and entered into altercation, thereafter, the applicant and other accused assaulted Jeevit Kumar by way of club and subsequently Jeevit Kumar died. It is also alleged that complainant Leelavati and another lady Sarojni were also assaulted and they had sustained grievous injuries.

3. Learned counsel for the applicant would submit that the main allegation of assault is against Tribhuwan Singh and the allegation against the present applicant is not of assault made to Jeevit Kumar Singh, who died, therefore, the applicant 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 Sarojni, wife of the deceased, wherein the allegation is also attributed against the present applicant that after the deceased fell down, the applicant also continued assault on the deceased. Taking into the statement, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge