

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1373 of 2017

1. Gouri Pradhan, S/o. Shri Kandho, Aged About 29 Years.
2. Uttam Pradhan, S/o. Shri Kandho, Aged About 23 Years.
Both are Permanent R/o. Rukani, Police Station Chhattarpur, District Ganjam, Orissa.
3. Pintu Sawie, S/o. Shri Radheyshyam, Aged About 26 Years, Permanent R/o. Barhampur, Police Station Barhampur, District Ganjam, Orissa.

All the above at Present R/o. Amanala, Haldibadi Chirmiri, Tahsil Khargawan, Civil & Revenue District & District Korea- Baikunthpur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station- Chirmiri, Tahsil & Civil & Revenue District & District Korea-Baikunthpur, Chhattisgarh.

---- Respondent

For Applicants : Mr. J.A.Lohani, Advocate

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/03/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.142/2016 registered at Police Station- Chirmiri, Tahsil & Civil & Revenue District & District Korea-Baikunthpur (C.G.) for the offence punishable under Sections 294, 506-B, 323, 307, 34 of Indian Penal Code and Section 25/27 of Arms Act.
2. Case of the prosecution, in brief, is that on 29.04.2016 the applicant along with other co-accused persons namely Gouri Pradhan, Uttam Pradhan & Pintu went to attend the marriage reception of the son of Sewwanlal wherein some dispute took place over playing of DJ songs with one Pradeep Singh. During such altercation, being aggravated, the applicant went to the

house and thereafter by way of sword assaulted the victim Pradeep Singh on his neck and front chest which were enough to cause his death and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that there is no *mens rea* as dispute arose over a trivial issue made by playing of DJ songs in the marriage reception. He further submits that the injuries sustained by the victim were not fatal. He would further submit that the charge sheet has been filed and the similarly placed co-accused has already been enlarged on bail by this Court on 04.10.2016 in MCRC No.5965 of 2016, therefore, the present applicants may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the similarly placed co-accused has been enlarged on bail.
5. Perused the case diary and documents. Considering the facts and circumstances of the case and the fact that the charge sheet has been filed and the similarly placed co-accused has already been enlarged on bail, 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