

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1347 of 2017

1. Jairam Patre, S/o. Bhuwan Patre, Aged About 32 Years.
2. Manikram Patre, S/o. Bhuwan Patre, Aged About 27 Years,

Both are R/o. Village- Jhiriyakhurd, Police Station Pandariya,
Tahsil- Pandariya, Civil & Revenue District- Kabirdham,
Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police
Station Pandariya, District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicants : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Neeraj Mehta, Panel Lawyer

For Objector : Mr. Gagan Tiwari, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/03/2017

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.251/2016 registered at Police Station- Pandariya, District Kabirdham (C.G.) for the offence punishable under Sections 294, 307, 506, 302, 34 of Indian Penal Code.
2. As per the prosecution case, on 23.11.2016 while the complainant were cutting their harvest, at that time, the applicant alongwith others came and they tried to enter with the Tractor and started removing the boundaries of the field, which was objected and having so the applicants alongwith others abused and assaulted whereby Ramesh died and the others were injured.

3. Learned counsel for the applicants would submit that the report was lodged by Kunwar Singh, who is the eye-witness and the main allegation is on Bhuwan, who has assaulted by way of Spade (Tabli) on the head of the deceased and the applicants are only present in the scene of crime, therefore, they cannot be inculpated; consequently, they may be released on bail.
4. Per contra, learned State counsel and learned counsel for the objector opposes the prayer for grant of bail.
5. Perused the case diary and statement of Kunwar Singh wherein the main allegation of assault is on Bhuwan to Ramesh whereby he died. Considering the role played by the present applicants, 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