

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1532 of 2017

1. Heera Lal, S/o. Rajaram, Aged About 35 Years,
2. Motilal, S/o. Rajaram, Aged About 30 Years,
Both R/o. Village- Lormi, Police Station- Basantpur, Balrampur, District-
Balrampur- Ramanujganj, Chhattisgarh.

----Applicants

Versus

State Of Chhattisgarh, Through : Police Station- Basantpur, District-
Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. A.K. Prasad, Advocate
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/03/2017

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.131/2016, registered at Police Station – Basantpur, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 294, 323, 302/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 17.11.2016 at about 10.30 PM, Amar Sai, Norbat Korwa and Ram Prasad Korwa went to the field of Triveti Gautiya and have stolen some of the paddy and while they were coming back to their home, they were stopped by Heera Lal and Moti Lal at that time Amar Sai fled away and Ram Prasad was assaulted by way of club and having seen, Norbat also fled away. Subsequently, Ram Prasad was assaulted and was strangulated. There by the offence has been committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and it is not a case of murder and there was no intention to kill and the complainants were stealing the paddy and they were intercepted which resulted into dispute and scuffle took place in between the parties which resulted into death of Ram Prasad, therefore, the counsel prays that 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 and the statements of Amar Sai and Norbat, who are the eye-witnesses. Taking into such fact, I am not inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge