

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3249 of 2017

- Bhuwan Patre S/o Jogan Patre, Aged About 65 Years Village - Jhiriakhurd, Police Station-Pandariya, Tahsil-Pandariya, Civil And Revenue District - Kabirdham, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For the Applicant	:	Shri Dharmesh Shrivastava, Advocate.
For the respondent/State	:	Shri O.P. Sahu, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07.11.2017

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. 251/2016, registered at Police Station- Pandariya, District- Kabirdham (C.G.) for the offences punishable under Section 294, 307, 506,302, 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that it was deceased- Ramesh Satnami, who initiated in the incident by assaulting the wife of the applicant, for which one FIR is separately recorded by Parvat Bai wife of the applicant, on the basis of which offences 294, 323 and 506 of IPC

have been registered, which is out come to the same incident. It is submitted that after this initiation of incident, the applicant had reacted in self-defense, hence, prosecution for offence under Section 302 of IPC is not sustainable, at the most, he can be held responsible for the offence 304 of IPC. Hence, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State opposes the application and the submission made in this respect. It is submitted, that applicant is the main assailant in this case, because of the assault made by him on the deceased with the help of the spade in the incident deceased sustained grievous injuries and consequently he died. There are number of eye witnesses who have categorically stated against the applicant, hence, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused all the document placed on record.
5. As the case against the applicant is pending no findings can be recorded as to the nature of the offences committed by the applicant. The co-accused have been enlarged on bail by the Coordinate Bench of this Court as they were not the main accused in this case. After due consideration I am of the opinion that this application does not deserve to be allowed.
6. Consequently, the application M.CR.C No. 3249 of 2017 is hereby dismissed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

