

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4106 of 2017**

1. Sukbar Sidar, S/o Ghasiya Sidar, Aged About 56 Years (Age Wrongly Mentioned In Impugned Order), Village Bonda, Police Station Pusaur, Tehsil Pusaur, District Raigarh, Chhattisgarh.
2. Satyanarayan Sidar, S/o Sukbar Sidar, Aged About 29 Years (Age Wrongly Mentioned In Impugned Order), Village Bonda, Police Station Pusaur, Tehsil Pusaur, District Raigarh, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Pusaur, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Paras Mani Shriwas, Advocate
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19.09.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.76/11 on 16/05/2017, Police Station Pusaur Raigarh, Distt. Raigarh, (C.G.) for the offence under Section 302 read with Seciton 34 of the Indian Penal Code.

3. Learned counsel for the applicant would submit that charge-sheet has been filed which is pending registered as Sessions Trial No.07/12. The police after investigation filed the charge-sheet against the Laxmi Narayan after his arrest and showing present applicants as absconding the Trial Court after declaring the

applicants absconding issued a permanent non-bailable warrant of arrest and tried the co-accused Laxmi Narayan after trial he was convicted by the Trial Court. He had preferred a Criminal Appeal in this Court No.1023/2013 vide order dated 11/02/2015 disposed of the said appeal convicting the said accused under Section 304 part I of the Indian Penal Code, both the applicants were arrested on 16/05/2017 they are facing trial. Learned counsel for the applicants would submit that applicants are innocent and not at all shared any common intention along with co-accused Laxmi Narayan. They are in custody since more than 4 months. They will not commit any offence in future, they may be enlarged on bail.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant and would submit that the police collected material against the applicants and as per statement of the eye-witnesses, both the applicants and other co-accused assaulted Mogra Bai by club and caused her death.

5. Perused the entire matter.

6. After perusal of the entire material available against the applicants as they killed one Mogra Bai by sharing common intention with the co-accused Laxmi Narayan (convicted), I am not inclined to grant the bail to the applicants.

7. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE