

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4543 of 2017

- Pankaj @ Rajat Sharma S/o Late Ramesh Pathak, Aged About 21 Years R/o Raipura, Mahadev Ghat, Near Radhakrishna Mandir, Police Station D.D. Nagar, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station Amleshwar, District- Durg, Chhattisgarh.

---- Respondent

And

MCRC No. 4648 of 2017

- Ashutosh Giri Goswami S/o Shri Gopal Giri Goswami, Aged About 33 Years R/o Near Radha Kishan Mandir, Mahadev Ghat, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Office Police Station Amleshwar, District Durg, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. B.P. Singh and Smt. Fouziya Mirza, Advocates.
For Respondent/State	:	Mr. Arvind Kumar Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/11/2017

1. Since both bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Heard on applications under Section 439 of Cr.P.C. for grant of bail.

3. Both are the first bail applications 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. 32/2015, registered at Police Station- Amleshwar, District – Durg(C.G.) for the offence punishable under Sections 302 of Indian Penal Code (for short 'IPC').
4. Learned counsel for the applicants submit that applicants that the case against the applicants is based only on the statement of one eyewitness of last seen together, according to which applicants were assaulting by the deceased Arvind Sunil Toppo, whereafter he was found dead. The witness Leela Giri Goswami has been examined by the trial Court and she has turned hostile not supporting the case of prosecution. Under these developments of circumstances, it is prayed that the applicants be enlarged on bail.
5. Learned State counsel opposes the bail applications and submissions made in this respect. It is submitted that according to the statement of Leela Giri Goswami (PW-1) she saw the applicant in both the cases engaging in fight with the deceased thereafter the deceased found dead, hence, the applicants are not entitled for grant of bail.
6. Heard both the parties and perused the contents of the case diary and the documents produced with the applications.
7. After perusing the statement of Smt. Leela Giri Goswami (PW-1) before the trial Court, I am of this view that no purpose would be served if the applicants are kept in detention till the conclusion of trial, hence, it is a fit case for grant of bail.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with

one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha