

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7315 of 2016

1. Ajay Gupta S/o Kripasindhu Gupta, Aged About 41 Years R/o Gram-Midmida, Police Station Jutemill District Raigarh Chhattisgarh
2. Moti Gupta, S/o Kripasindhu Gupta, Aged About 35 Years R/o Gram-Midmida, Police Station Jutemill District Raigarh Chhattisgarh ---
Petitioners

Versus

- State of Chhattisgarh through the Officer Incharge, Police Station - Jutemill, District Raigarh Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Mateen Siddiqui, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 295 of 2016 registered at P.S. Jutemill, Distt. Raigarh (C.G) for the offence punishable under Sections 307, 302 & 34 IPC.
2. At the outset, learned counsel for the applicants would submit that he does not press the bail application of applicant No.1 Ajay Gupta. Accordingly, the bail application of applicant No.1 Ajay Gupta is dismissed as not pressed.
3. As per the prosecution case, on 15.5.2016 over an old enmity the dispute took place between Kandhabh Pradhan and the applicants and he was assaulted by the present applicants and other accused by way of crow-bar (Sabbal), club and iron pipe. When he raised alarm, his brother Nriplal Pradhan came to his rescue and thereafter he was also

assaulted whereby he died.

4. Learned counsel for the applicants would submit that the main allegations are attributed to Ajay Gupta and as he assaulted by crow-bar (sabbal) which caused death and only the club has been recovered from applicant No.2 Moti Gupta, therefore, applicant no.2 may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail.
6. Perused the statement of the injured Kandhabh Pradhan wherein the joint allegations have been attributed to the applicants. Considering such statement of Kandharv Pradhan, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**