

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5874 of 2017

Panchuram Tandon, aged about 36 years, S/o Shri Kishan Tandon,
R/o Village – Patharra, P.S. - Bhilai – 3, District (Revenue & Civil) –
Durg (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
– Bhilai – 3, District – Durg, Chhattisgarh

---- Respondent

And

MCRC No. 6032 of 2017

Meghnath Tandon, aged about 42 years, S/o Shri Kishan Tandon,
R/o Village – Patharra, P.S. - Bhilai – 3, District (Revenue & Civil) –
Durg (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
– Bhilai – 3, District – Durg, Chhattisgarh

---- Respondent

For Applicants

:Mr.Yogesh Pandey, Advocate

For Respondent

:Mr. Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

23/11/2017

1. As both the MCRCs arise out of the same incident and Crime number, they are being disposed of by this common order.

2. These are the two 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. 165/2016 registered at Police Station- Bhilai- 3, District Durg (C.G.) for the offence punishable under Sections 302, 449, 147, 148, 149 of Indian Penal Code and Sections 25/27 of the Arms Act.
3. As per the prosecution case name of the deceased whose murder is committed is Ganesh Bharti and as per postmortem report he died homicidal death and sustained 9 injuries. It is alleged that 14 persons including the applicants formed an unlawful assembly armed with deadly weapons and assaulted the deceased.
4. Learned Counsel for the applicants submits that there is no eye witness account to the incident and the person who lodged FIR has stated that when deceased was not found in their company then they turned back and found the deceased lying dead. The applicants are arrested on 03.04.2016 but trial is still not concluded and only one witness is examined.
5. On the other hand, learned counsel for the State opposes the bail applications. He submits that there is sufficient material against the present applicants and some articles have been seized from them, therefore, they are not entitled for bail.

6. Considering the statement of Rahul Kumar Chelak, Sangit @ Tete, Vishal Bharti and others, there is prima facie evidence that applicants were in company of other person having deadly weapons like club and baseball and they have assaulted the deceased. The baseball is seized from Meghnath and wooden log is seized from Panchuram.
7. Considering the facts and circumstances of the case and the material collected against the applicants, I am of the opinion that present is not a fit case to enlarge the applicants on bail.
8. Accordingly, the bail applications filed under Section 439 Cr.P.C. are rejected.

Sd/
(Ram Prasanna Sharma)
Judge