

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8288 of 2016

1. Onkar Suryavanshi, S/o. Chandrika Suryavanshi, Aged About 25 Years.
 2. Bhojram Suryavanshi, S/o. Sitaram Suryavanshi, Aged About 22 Years. (wrongly mentioned 20 in the order sheet).
- Both are R/o. Suryavanshi Mohalla, Saragaon, Police Station - Saragaon, District Janjgir- Champa, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Saragaon, District Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicants : Mr. C.P. Lahrey, Advocate.

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.01.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.63/2016 registered at Police Station- Saragaon, District Janjgir-Champa (C.G.) for the offence punishable under Sections 294, 506, 323, 302/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 10.07.2016 while deceased Mohar Lal coming back to his house after answering the call of nature, he met Onkar Suryawanshi and Bhojram Suryawanshi on the way at 10:30 pm and asked them as to why they were roaming, on such some altercation started and scuffle was also started between the parties and deceased was assaulted by hands and fists and wooden plank. Subsequently, he was

admitted to Hospital, he was operated and died on 30.07.2016 and thereby the aforesaid offence was committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and in the merged statement, the deceased is shown to have been fallen from the motorcycle, thereby sustained the injuries. Subsequently, false allegations have been attributed to the present applicants, therefore, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and documents. Considering the statement of Doman Suryawanshi and the injured, who subsequently died, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge