

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8555 of 2016

- Shankar Jangde S/o Shri Ramprasad Jangde, Aged About 70 Years
R/o Village Lachanpur, Choki Fastarpur, Police Station City Kotwali,
District Mungeli, Chhattisgarh. **--- Applicant**

Versus

- State of Chhattisgarh through Police Station City Kotwali, District
Mungeli, Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Vimal Kumar Tondey, Advocate
For the Respondent	:	Mr. Avinash Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 45/2015 registered at Police Station City Kotwali, Mungeli, Distt. Mungeli (C.G) for the offence punishable under Sections 147, 148, 149, 302, 307, 294 of IPC.
2. As per the prosecution case, in the night of 02.02.2015 at about 9 O' clock, some quarrel took place between complainant Santosh Jangde and one Pradeep and thereafter accused Pradeep came along-with other accused Andeep, Kandeep & Mansingh and assaulted complainant and fled away. Thereafter, complainant reported the matter to his father Chaitu @ Omprakash, uncle Uttara (Chacha), brother Hemant and Rohit and all they have gone to the house of Present applicant to enquire about the assault. At that time in between 10.30 – 11.00 p.m., in the night, accused Pradeep, Andeep, Kandeep, Maan Singh and the present applicant in furtherance of common intention abused and badly assaulted the complainant party, as a result of which, Uttara died on the spot and Santosh, Hemant,

Rohit and Chaitu @ Omprakash sustained grievous injuries.

3. Learned counsel for the applicant submits that the applicant is aged about 70 years and he has been falsely implicated. He further submits that as per the statements of Santosh Jangde and Hemant, the applicant has not assaulted any one and while the applicant was talking to the others, the complainant and other accused came there and assaulted him and there is no allegation of assault on the present applicant. It is also submitted that the charge sheet has been filed and the applicant is in jail since 03.02.2015, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that no assault has been attributed to the present applicant.
5. Having regard to the statements of Santosh and Hemant and further considering the nature of allegations and the role played by the present applicant who is stated to be 70 years of age as also the fact that the charge sheet has been filed and the applicant is in jail since 3rd February, 2015, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE