

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2123 of 2017

1. Palu @ Jaipal, S/o. Dhanush Lodhi, Aged About 36 Years, Occupation- Agriculture, R/o. Village- Pendrikhurd, Police Station- Sahaspur Lohara, Civil & Revenue District- Kabirdham, Chhatisgarh.
2. Lokesh Gond, S/o. Shyam Gond, Aged About 19 Years, R/o. Village- Dhorli (wrongly mentioned as Dorli in the order sheet), Post- Dharamgarh, Police Station & Tahsil - Sahaspur Lohara, Civil & Revenue District- Kabirdham, Chhatisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through- District Magistrate/ Station House Officer, Police Station- Sahaspur Lohara, District- Kabirdham, Chhattisgarh.

---- Respondent

AND

MCRC No. 2167 of 2017

1. Umesh Koushik, S/o. Shri Santosh Koushik, Aged About 18 Years.
 2. Hanshraj Koushik, S/o. Shri Santosh Koushik, Aged About 20 Years.
- Both are R/o. Village Dhorli, Post- Dharamgarh, Police Station & Tahsil- Sahaspur Lohara, Civil & Revenue District- Kabirdham, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through- District Magistrate/ Station House Officer, Police Station- Sahaspur Lohara, District- Kabirdham, Chhattisgarh .

---- Respondent

For Applicants : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/04/2017

1. This is the second bail application of the applicants Palu @ Jaipal & Lokesh Gond and third bail application of the applicants Umesh Koushik & Hanshraj Koushik 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.201/2016 registered at Police Station- Sahaspur Lohara, District Kabirdham (C.G.) for the offence punishable under Sections 307, 452, 294, 506, 323, 147, 148 & 149 of Indian Penal Code.

2. The first bail application of the applicants Palu @ Jaipal & Lokesh Gond and Umesh Koushik & Hanshraj Koushik was dismissed on 22.11.2016 in MCRC No.7310 & 7015 of 2016. Subsequently, the applicants Umesh Koushik & Hanshraj Koushik again preferred a second bail application, which was dismissed as withdrawn on 18.01.2017 in MCRC No.433 of 2017 with liberty to file afresh after material witnesses are examined.
3. As per the prosecution case, on 16.09.2016 the applicants/ accused Umesh Koushik, Hansraj Koushik, Palu @ Jaipal and Lokesh Gond along-with four other accused namely Jagmohan Gond, Arun Kaushik, Niklesh Kaushik and Raja Kaushik picked quarrel with complainant party over selling of liquor in village and assaulted Dukhit Ram, Ramavtar and Kaushalya Bai whereby Ramavtar sustained grievous injury which was sufficient to cause death.
4. Learned counsel for the applicants would submit that the victim Ramavtar, Dukhitram, Smt. Kaushalya Bai and Smt. Malti have been examined before the Court below and they have not supported the case of the prosecution. They are the victim and material witnesses in this case, therefore, no case is made out against the present applicants; consequently, the applicants may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the victim and

the material witnesses have been examined and they have not supported the case of the prosecution.

6. Perused the statement of the victim and material witnesses, which shows that they have not supported the case of the prosecution. Considering the same, without any observation on merit, I am inclined to release the applicants on bail.
7. Accordingly, both the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge