

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5123 of 2017

1. Satya Prakash Mangeshkar @ Sonu, S/o. Shri Dhansai Mangeshkar, Aged About 21 Years.
2. Ashish Kumar Soni @ Rahul, S/o. Shri Kishan Prasad Soni, Aged About 22 Years.

Both R/o. Dhuripara, Village Mangla, P.S. Civil Lines, District Bilaspur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through S.H.O., P.S. Akaltara, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicants : Mr. Achyut Tiwari, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.09.2017

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.183/2016 registered at Police Station- Akaltara, District Janjgir-Champa (C.G.) for the offence punishable under Section 307, 34 of Indian Penal Code.
2. As per the prosecution case, on 28.08.2016 one Iqbal Khan was attacked by one Sabit Khan alongwith the present applicants as Sabit Khan had suspicion that Iqbal was having illicit relation with the wife, therefore, Iqbal was taken to a distance and he was initially assaulted by hand & fist and Subsequently, Sabit Khan assaulted by way of Spade on the head of Iqbal, which was enough to cause death.
3. Learned counsel for the applicants would submit that the main allegation of assault is on Sabit Khan and the applicants were also

not armed with any weapon and the allegation of assault by hand & fist is attributed to the present applicants and they are in jail since 20.04.2017, therefore, they may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of Iqbal Khan wherein the main allegation of assault by Spade is on Sabit Khan. Considering the role played by the present applicants and the fact that the charge sheet has been filed and further taking into fact that only allegation of assault by hand & fist is attributed to the present applicants and they are in jail since 20.04.2017, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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