

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1290 of 2018

1. Heeraman Cheek And Anr. S/o Late Chindra Cheek Aged About 50 Years R/o.- Village- Gajadharpur, P.S.-Kusmi, District- Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh
2. Smt. Heeramuni W/o Heeraman Cheek Aged About 48 Years R/o.- Village- Gajadharpur, P.S.-Kusmi, District- Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Police Station Incharge, P.S.- Kusmi, District- Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Rakesh Pandey on behalf of A. V. Shridhar, Advocate.
For Respondent	:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

18/04/2018

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.89/2017, registered at Police Station– Kusmi, District– Balrampur (C.G.) for the offence punishable under Sections 341, 506, 323, 302, 147, 148, 149 & 120(B) of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicants are innocent and have been falsely implicated in this case. According to the prosecution case itself, the incident has taken place in two parts. In the first part, the incident took place in front of the house of co-accused Jagatpal where the deceased was assaulted and thrashed by the

accused persons in which both these applicants had participated. In the second part, when the deceased made his escape and found refuge in the house of one Mukund, co-accused persons namely Jagalpal, Krishna & Mukund entered the house and murdered the deceased by assaulting him with crow-bar etc. Thus, it is clear that these applicants had no role to play in second part of the incident and therefore they cannot be held liable for the murder of deceased. Applicants are ready to abide by all the conditions and directions, which may be imposed on them while granting bail. Hence, it is prayed that applicants be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that both the accused were the part of the same transaction. These applicants have also common intention of causing the death of deceased, hence, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, deceased had illicit relationship with wife of co-accused Jagatpal because of which on the date of incident deceased was surrounded in the lane of the village situated before the house of main accused Jagatpal where he was beaten and thrashed by accused persons including present applicants. The deceased somehow managed to flee from the clutches of accused persons and and took shelter in the house of co-accused Mukund and there he was done to death by other co-accused persons.
6. As it is apparent that both these applicants have not participated in the second part of the incident, hence, I am of this view that this is a fit case where the applicants should be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha