

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1312 of 2018

- Rameshwar Sahu S/o Puranik Lal Sahu, Aged About 67 Years, R/o.- Village-Khaira Chhote, Tahsil- Sarangarh, District- Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Sarangarh, District- Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Ashish Gupta, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 09-01-2018 in connection with Crime No.21/2018 registered at P.S. Sarangarh, District- Raigarh, Chhattisgarh for the offence under Section 147, 148, 302, 323, 109 of IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. Name of the applicant has not reflected in the FIR lodged by the complainant, but that has appeared later on in statement under Section 161 and according to that also no specific role is attributed on the part of this applicant, that he was the person who assaulted the deceased. It is further submitted that the applicant is old person of 67 years of age and suffering from cardiac disease and he was hospitalized for treatment when he was in jail. He is in detention since 09-01-2018 and he is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application

and submits that this applicant has played important role in this incident and he was the person who in the capacity of one of the members of Panchayat had banned the family of the deceased in their society and thereafter he was also present at the time of incident, according to the statement of the witnesses and was in support of the assault made on the deceased. Hence, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, because of some dispute between complainant and one of the accused, Manijar Sahu, Panchayat of Sahu Samaj was called, in which, the complainant was asked to deposit fine of Rs.5000/-, to which he refused, because of which, he was banned from the society of Sahu Samaj. Subsequent to that, on 08-01-2018 a dispute arose on the fields of accused Manijar Sahu and the complainant regarding boundary of their fields, because of which, the main accused Manijar Sahu along with his sons chased the complainant to assault and beat him, then deceased Kevarabai came to intervene, she was assaulted by Harikishun and Vinod with clubs, because of which, she suffered fatal injury and died on the spot. The witnesses have stated that this applicant was present on the spot and was encouraging the main assailants.

6. Considered on the submissions made and contents of the case diary.

7. Considered on the entire material present in the case diary. Presence of this applicant was along with a number of other persons and general statement has been made that he was one of the persons who were there to encourage the assailants. Further, on the basis of medical ground presented and on the ground of his age, he should be enlarged on bail during pendency of the trial against him.

8. Consequently, this application filed by the applicant under Section 439

of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil