

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1800 of 2018

1. Smt. Punni Bai Nirmalkar, W/o Late Budhram Nirmalkar Aged About 64 Years R/o Village Bodra, Police Station Arang, District Raipur, Chhattisgarh,
 2. Smt. Pramila Bai W/o Gajanand Nirmalkar, Aged About 36 Years R/o Village Bodra, Police Station Arang, District Raipur, Chhattisgarh
- Applicants**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Arang, District Raipur, Chhattisgarh

--- Respondent

For Applicants	:	Ms Fouzia Mirza, Advocate
For Respondent/State	:	Mr. Satish Gupta, G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/04/2018

Heard.

1. The applicants have been arrested in connection with Crime No.23 of 2018 registered at Police Station- Arang, District Raipur (CG) for the alleged commission of offence under Section 302, 452, 323, 34 of IPC.
2. Case of the prosecution is that the applicants and co-accused committed murder.
3. Learned counsel for the applicants would submit that the manner in which the offence is alleged to have been occurred as stated in the FIR and diary statement, so called eyewitness, it cannot be said that the applicants had also shared common intention to kill the deceased. It is submitted that the applicants had only assaulted with fist and hand and merely because one of the co-accused gave a knife blow to the victim which resulted in death, it cannot be said that the applicants had shared common intention.
4. On the other hand, learned State counsel opposes and submits that the present applicants and co-accused entered the house of the victim, caught hold of him and started assaulting with hand, fist and knife due to which victim died.
5. Considering the submission, nature of allegation and material on record, no case is made out for grant of bail. Therefore, the bail application is rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge