

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1230 of 2018

1. Chetan Ratre @ Chetan S/o Shri Babulal Ratre, Aged About 40 Years
2. Omprakash @ Chhotu Ratre, S/o. Chetan Ratre, Aged About 20 Years,
Both are R/o Chhota Ashok Nagar, Behind Ghasidas Chabutara
Gudhiyari, Raipur (C.G.). Mobile No. 9255971715.

---- Applicants

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station
-Gudhiyari, District- Raipur (C.G.)

---- Respondent

M.CR.C. No. 1465 of 2018

Naresh Banjare @ Bada Baou, S/o Shri Dhanwa Banjare, Aged About 19
Years, R/o.- Chota Ashok Nagar, Behind Ghasidas Chabutra, Gudhiyari, P.S.-
Gudhiyari, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station-
Gudhiyari, District- Raipur, Chhattisgarh.

---- Respondent

AND

M.CR.C. No. 2158 of 2018

Tumesh @ Bhuru Banjare, S/o. Shri Dhanwa Banjare, Aged About 17 Years,
Through His Legal Guardian His Father Shri Dhanwa Banjare, Age About 50
Years, S/o Shri Mangal Banjare, R/o Chota Ashok Nagar, Behind Ghasidas
Chabutra, Gudhiyari, P.S. Gudhiyari, District (Revenue And Civil) Raipur
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station
-Gudhiyari, District Raipur Chhattisgarh.

---- Respondent

For Applicants	: Mr. Manoj Kumar Dubey, Advocate & Mr. Yogesh Pandey, Advocate
For State/respondent	: Mr. Anil S. Pandey, Govt. Advocate

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

24/04/2018

1. All the applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.248/2017, registered at Police Station – Gudhiyari, Raipur, District – Raipur (C.G.), for the offence punishable under Section 147, 148, 149, 294, 323, 506, 307, 302 of the Indian Penal Code.
3. It is submitted by the learned counsels for the applicants that the applicants have been falsely implicated in this case. Manoj Meshram who is lodger of the FIR and also an eyewitness has not named all these applicants in FIR dated 03.10.2017. Some improvement was made in the statement under Section 161 of Cr.P.C. recorded on 04.10.2017, whereas supplementary statement was again recorded on 07.10.2017 of the same witness, in which all the applicants have been implicated in the case. According to the contents of the FIR, main allegation is against the co-accused Narendra Banjare. Hence, no case is made out against the applicants. Therefore, it is prayed that the

applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that apart from the lodger of the FIR, eye-witness Manoj Meshram, there are other witnesses, who have seen the incident and gave statement in similar fashion to show that all the applicants have involved in commission of crime. Hence, no case is made out for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the case of the prosecution, it is alleged that on the date of incident, these applicants along with other co-accused formed an unlawful assembly having common objects to cause death of the deceased Subham Bhavnekar. The deceased was grievously injured, who died during the course of treatment. Hence this case.
7. Considered on the submissions made and perused the FIR dated 03.10.2017. According to the initial information, a dispute was between the deceased and main accused Narendra Banjare in which the deceased was assaulted by Narendra Banjare with a wooden plank. This appears to be addition later on in the statement under Section 161 of Cr.P.C. recorded of all the witnesses on 07.10.2017 that name of these applicants has appeared that they have also been a member of assailant party. After due consideration and looking to the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram