

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2483 of 2018

1. Bhan Singh Lahre S/o Jethua Lahre, Aged About 65 Years, R/o- Village- Billi Band, P.S. - Kota, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Smt. Vishakha Bai W/o Bhan Singh Lahre, Aged About 60 Years R/o- Village- Billi Band, P.S. - Kota, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Ramnarayan @ Suresh Lahre S/o Bhan Singh Lahre, Aged About 34 Years, R/o- Village- Billi Band, P.S. - Kota, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Ganesh Ram Lahre S/o Bhan Singh Lahre, Aged About 32 Years, R/o- Village- Billi Band, P.S. - Kota, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
5. Ravishankar Lahre S/o Bhan Singh Lahre, Aged About 25 Years, R/o- Village- Billi Band, P.S. - Kota, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Jiladhyaksh, P.S.- Kota, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicants – Shri V.C. Ottalwar, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-06-2018

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 applicants for grant of regular bail. The applicants have been arrested on 05-12-2017 in connection with Crime No.400/2017 registered at P.S. - Kota, District- Bilaspur, Chhattisgarh for the offence under Section 147, 148, 328, 302 of the IPC.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 05-12-2017. No case is made out against them for being prosecuted for the offence of murder. According to the prosecution story itself, the deceased was administered some poisonous substance by main accused. The only allegation against these applicants is this that they have assaulted the deceased with hands and fists,

which may result only in simple injuries. Hence, it is prayed that these applicants may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that it is an offence in which common object was formed for commission of offence of murder, in which all the applicants have actively participated which has resulted in death of the deceased. Hence, no case is made out for grant of bail.

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

5. The case against the applicants is this, that on the date of incident all the applicants and other co-accused persons came in front of the house of the deceased Malik Ram Patle and started assaulting him with hands, fists and kicks. All of them were saying that they will kill the deceased, it was at the same time, these applicants along with others forced and beat down the deceased on the ground and after that one co-accused Gourishankar sat on the chest of the deceased and another co-accused Dinesh Lahare took out a small bottle containing some poisonous substance and forcefully administered it to the deceased. Subsequently, the deceased died.

6. In the postmortem report no clear opinion has been expressed, but there are symptoms to show that the deceased has died due to consumption of some suspicious poisonous substance. The argument submitted on behalf of these applicants that there is no evidence to substantiate that these applicants were party in administration of poisonous substance is a ground of defence, which is required to be proved, but, at present, I am of this opinion that no case is made out for grant of bail to these applicants. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge