

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2905 of 2018**

1. Nirmala Sahu, W/o. Benuram Sahu, Aged About 45 Years, R/o. Jayanti Nagar, Behind Pragya Traders, Durg, P. S. Mohan Nagar, District Durg Chhattisgarh.
2. Meena Sahu, W/o. Devcharan Sahu, Aged About 45 Years, R/o Shankar Nagar, Kumhari, P. S. Kumhari, District Durg Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : The District Magistrate Durg, District Durg Chhattisgarh.

---- Respondent

For Applicants	: Mr. Shikhar Bakhtiyar, Advocate
For State/respondent	: Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/06/2018**

1. This is the second bail application 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.336/2017, registered at Police Station – Mohan Nagar, Durg, District – Durg (C.G.), for the offence punishable under Section 294, 506, 323, 147, 452, 302 of the Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to revive the same after sometime vide order dated 12.01.2018.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 03.08.2017. Charge-sheet has been filed after completion of investigation. No case is made out against this applicant on the basis

of the material present in the case diary. Both the applicants are women and they were present on the spot because of natural causes as the house was their own place of resident, although there is allegation against the applicants about participation, they were not the person, who caused fatal injuries to the deceased Ganpat. Hence, it can not be said that at this stage this applicants have common intention or common object to cause death of the deceased. Hence, it is prayed that the applicants may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there are four eye-witnesses present of the incident namely Sulochana, Santosh, Girija Bai and Yamini. It is submitted that according to the statement given by all the eye-witnesses these applicants have actively participated and assisted the main accused person in assaulting and causing death of the deceased. Hence, at this stage, it can not be made out that these applicants did not have any common intention or common objection for causing death of the deceased. Hence, it is prayed that the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, on the date of incident, the main accused Benuram firstly abused the deceased Ganpat Ram Sahu, his father and then after threatening to kill him, he started assaulting him with hands, fists feet and with club. The statement of the eye-witnesses make it clear that these applicants also participated in the assault and have assaulted the other witnesses present on the spot. Subsequently,

the deceased Ganpat Ram Sahu, was done to death on the spot.

Hence, this case.

6. Considered on the submissions made and the contents of the case diary. The case of these applicants at present can not be termed as different from main accused persons on account of evidence present in the case diary. Hence for this reason, this Court is of the opinion that present is not a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge