

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6987 of 2017

1. Deepak Sahu And Anr. S/o Chandrakumar Sahu, Aged About 20 Years R/o Sargaon Out Post Sargaon, Tahsil And Thana Pathariya, District Mungeli Chhattisgarh, Chhattisgarh
2. Chandra Kumar S/o Sudhiram Sahu, Aged About 39 Years R/o Sargaon Out Post Sargaon, Tahsil And Thana Pathariya, District Mungeli Chhattisgarh , District : Mungeli, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Out Post Sargaon, P. S. Pathariya, District Mungeli Chhattisgarh, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Rakesh Jain, Advocate.
For Respondent/State	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/02/2018

1. This is the first 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. 273/2017, registered at Police Station- Pathariya, Outpost Sargaon, District – Mungeli (C.G.) for the offence punishable under Sections 302, 120-B & 460 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. There is no evidence in the charge-sheet filed against them on the basis of which they can be

prosecuted. Mere allegation made by some and doubt raised by some persons has been made a ground to prosecute these applicants. Applicants are in jail since 31.7.2017. The co-accused persons of this case being juvenile are prosecuted before the Juvenile Justice Board and one of them has been granted bail, who is the main accused in this case. Hence, it is prayed that the applicants may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the applicants knowingly that the child offenders were entitled to be tried by the Juvenile Justice Board and they would be dealt with leniently under the Juvenile Justice (Care and Protection of Children) Act, 2000, have hatched-up a criminal conspiracy and in furtherance thereof provoked the juvenile offenders to commit the murder of the deceased. Hence they are not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. On the date of incident deceased Dileshwari Sahu was attacked and assaulted by Dilharan, Sandeep & Nand Kumar. Juvenile offender Dilharan stabbed the deceased with a knife as a result she died on the spot. After lodging FIR, in the course of investigation the name of these applicants has been added as accused in this case.
6. Considered.
7. Taking into consideration the material in the prosecution case against these applicants to prove the fact of conspiracy and also considering the fact that both the applicants were not present on the spot when the deceased was done to death, I am of this view that this is a fit case where applicants should be benefited with grant of bail.

8. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha