

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3683 of 2018**

1. Dev @ Bholu Sonwani, S/o Shri Dharam Sonwani, aged about 22 years.
2. Gopi, S/o Lakhan Diwakar, aged about 25 years.

Both are resident of Pandit Deendayal Upadhyay Ward, Bhatapara P.S. Bhatapara Town, Tahsil Bhatapara, District Balodabazar-Bhatapara (CG).

---- Applicants

Versus

State of Chhattisgarh, through P.S. Bhatapara Town District Balodabazar-Bhatapara (CG).

---- Non-applicant

For Applicants : Mr. B.L. Dembra, Advocate

For Non-applicant : Mr. Dhiraj Wankhede, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board**

30.07.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court.
2. Perused the copy of charge-sheet provided by the learned counsel for the applicants in connection with Crime No.37/2018 registered in Police Station Bhatapara Town, District Balodabazar-Bhatapara for the offence punishable under Sections 302, 34 of IPC.
3. Case of the prosecution, in brief, is that on 26.01.2018 the present applicants namely Dev @ Bholu Sonwani and Gopi Diwaker along with Pramod Satnami quarreled with the deceased namely Ravi Nishad and told him that why you are driving the motor-cycle in speed. On 28.01.2018 the applicants and co-accused Mahesh @ Chichi @ Chhotu had come near the house of deceased, at that time deceased Ravi Nishad had gone in provision store to purchase Gutkha at near temple of Bajrangbali. The applicants and co-accused Mahesh poured some inflammable substance upon his body and set him on fire.

4. Counsel for the applicants would submit that the applicants have not committed any offence and have been falsely implicated in the case and as such the applicants are entitled to be released on bail.
5. On the other hand, counsel for the State would oppose the prayer for grant of bail to the applicants.
6. I have heard counsel appearing for the parties and perused the case diary with utmost circumspection.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the offence and looking to the impact of granting bail to the applicants on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicants.
8. Consequently, the first bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-