

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4437 of 2018**

Godam Cheek S/o Late Sudhu Ram Aged About 40 Years R/o- Village-
Gajadharpur, P.S.- Kusmi, District- Balrampur-Ramanujganj, Chhattisgarh.,
District : Balrampur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station Incharge, P.S.- Kusmi,
District- Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjeev Verma, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.07.2018**

Heard.

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 applicant who has been arrested in connection with Crime No.89 of 2017, registered at Police Station – Kusmi, District Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 341, 506, 323, 302, 147, 148, 149 and 120B of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. No offence is made out under Section 302 of the IPC against the applicant. Similarly placed co-accused persons, namely, Heeraman Cheek and Smt. Heeramuni in this case have been granted bail

by this Court in M.Cr.C. No. 1290 of 2018 vide order dated 18.4.2018. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State oppose the bail application and the submissions made in this respect. It is submitted that there is evidence about the participation of the applicant in the commission of offence. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, there is allegation that the deceased had illicit relationship with the wife of co-accused – Jagat Pal. On the date of incident, deceased – Rupan Ram was assaulted by the applicant and the co-accused persons in the street before the house of Jagat Pal. The deceased made his escape and took shelter in the house of co-accused – Mukund where he was done to death by Mukund, Jagat Pal and Krishna. Hence, this case.

6. Considered the material present in the case-diary. The incident had clearly taken place in two parts. Hence, the applicant was party to the first part of the incident in which there is allegation of only assaulting the deceased and taking into consideration the fact that similarly placed co-accused persons have been granted regular bail by this Court, hence, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge