

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 4195 OF 2018

1. Sagar Sahu S/o Pralahad Sahu Aged About 20 Years
2. Roshan Sahu S/o Pralahad Sahu Aged About 19 Years

Both R/o- Near Church Of Chhattisgarh Aangan, O.P. Padmnabhpur, P.S. Durg, Tehsil And District- Durg, Chhattisgarh.

... Applicants

Versus

State of Chhattisgarh Through District Magistrate, District Durg (CG).

... Respondent

For Applicants	:	Shri BP Singh, Advocate.
For Respondent-State	:	Shri Chandresh Shrivastava, PL.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/07/2018

1. This is the first bail application seeking for grant of bail to the Applicants who are in jail since 13.02.2018 in connection with Crime 18/2018, registered at Police Station, Durg for the offence punishable under Sections 302 and 323/34 IPC.
2. The allegation as per prosecution is that, the applicants is said to have jointly assaulted Hemant Sahu and one Sagar Umre on the night of 03.01.2018 causing head injuries to Hemant Sahu who later on succumbed to the injuries after three days i.e. on 06.01.2018.
3. Learned Counsel for the applicants submits that it is a case where the incident is alleged to have been taken place on 03.01.2018 and the FIR in this regard was lodged on 11.01.2018. Thus, there is huge delay in lodging the FIR. Further, the statement of the mother of the deceased namely Bhagwantin Bai which was recorded on 06.01.2018 shows that the deceased have not disclosed the mother how he received head injuries except his statement that he had

received injuries on account of fall from his motorbike. The applicants have not been involved in the commission of the offence in any manner and have been falsely implicated in the case, and therefore, the applicants be released on bail.

4. The State counsel however opposes the application on the ground that in the course of investigation the police have recorded the statement of Sagar Umre, an injured and eyewitness, and also the statements of Imran, Faizan and Nausad who have also said to have witnessed the fight between the applicants and the deceased.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the statement of Sagar Umre, an injured eyewitness, as also the statements of Imran, Faizan and Nausad, this court is of the opinion that present is not a fit case for grant of bail to the applicants.
6. Accordingly, the bail application stands rejected.

Sd/-
(P. Sam Koshy)
Judge