

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 4609 of 2018

(Arising out of Crime No.106/2017 registered at P.S. Navagarh, District Janjgir Champa (C.G) for the offences punishable u/ss 506, 323, 460, 307, 302/34 of IPC).

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1. Sitaram Sahu S/o Shri Niranjan Sahu Aged About 32 Years R/o- Villager- Amoda Police Station- Navagarh, District- Janjgir-Champa, District : Janjgir-Champa, Chhattisgarh
 2. Yadram Sahu S/o Shri Niranjan Sahu Aged About 32 Years R/o- Villager- Amoda Police Station- Navagarh, District- Janjgir-Champa, District : Janjgir-Champa, Chhattisgarh
- Applicants**

Versus

State of Chhattisgarh through- Police Station- Navagarh, District- Janjgir-Champa,
District : Janjgir-Champa, Chhattisgarh

--- Respondent

18.07.2018	Mr.Ashuthosh Shukla, counsel for the applicants. State by Mr. S.R.J. Jaiswal, Panel Lawyer. This is first bail application filed under Section 439 of the Code of Criminal Procedure. As per the prosecution case, on 19.06.2017 at about 2.30 a.m., the applicant along-with other accused entered into the house of Chandrika Prasad and assaulted him, as a result of which, Chandraka Prasad succumbed to the grievous injuries. Learned counsel for the applicants submits that these applicants have not played any active role and the only allegation against them is that they were present at the place of incident and the entire allegation of assault is attributed to other accused Mela Ram, therefore, the present applicants may be enlarged on bail. Per contra, learned State Counsel opposes the bail application.	

R a o	Perused the statement of one of the eye-witness Laxminarayan who is son of deceased Chandrika Prasad. Taking into consideration such statement, at this stage, it would not appropriate for this Court to give a finding of fact while adjudicating the bail application which will amount to usurping the power of the trial Court. It is for the trial Court to evaluate the statement of the witnesses and adjudicate the case after the entire evidence is recorded before the Court below. Thereafter I am not inclined to allow this bail application. Accordingly, it is rejected. Sd/- GOUTAM BHADURI JUDGE	
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