

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4827 of 2018

- Puniram Bhashkar S/o Chowkidar Bhashkar, Aged About 45 Years, R/o- Village Faguram, Ward No. 8, Tahsil Malkharoda, P.S. Dabhra, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- District Magistrate, P.S. Dabhra, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

----Non-applicant

For Applicant – Shri Jeet Patel, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His first bail application under Section 439 of the Cr.P.C. filed before this Court was dismissed as withdrawn. The applicant has been arrested on 18-03-2017 in connection with Crime No.71/2017 registered at P.S. - Dabhra, District- Janjgir-Champa, Chhattisgarh for the offence under Section 294, 506, 323, 302, 147, 148, 149 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 18-03-2017. No case of intentional murder is made out in this case. Similarly placed co-accused persons have been granted bail by this Court in MCRC No.2474/2018 vide order dated 16-05-2018. Hence, it is prayed that this applicant may also be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is evidence of oral dying declaration made by the witnesses against this applicant that he had participated in commission of

offence of murder of Rajkumar. Hence, no case is made out for grant of bail.

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

5. The case against the applicant and the other co-accused persons is this that on the date of incident deceased Rajkumar had been to the house of the applicant who related to the deceased from matrimonial side. On account of some dispute it is alleged that this applicant and co-accused persons assaulted the deceased with hands, fists and club causing him various injuries which resulted in his death.

6. After considering on the entire material present in the case diary, as it appears that similarly placed persons have been granted bail, I am of this view that this applicant also deserves to be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge