

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4848 of 2018**

1. Govardhan Yadav, S/o Shri Suryanath Yadav, aged about 27 years, R/o Mohan Nagar Purva, Tahsil Sakaldeeh, P.S. Balua, District Chadoli (UP), Present address Market Risali Milk Dairy, P.S. Nawai, District Durg (CG).
2. Tej Kumar Saw, S/o Shri Jagdeesh Saw, aged about 23 years, R/o Village Boharpar, Post Sighanpur Tahsil Basna, District Mahasamund Present Address Dhanora Desi Sharab Dukan, P.S. Nawai District Durg (CG).

---- Applicants**Versus**

State of Chhattisgarh, through Arakshi Kendra, Durg, Police Chowki Padmnabhpur, District Durg (CG).

---- Non-applicant

For Applicants : Mr. Vipin Tiwari, Advocate

For Non-applicant : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.09.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application of them is pending before any other Court.
2. Perused the copy of charge-sheet provided by the counsel for the State in connection with Crime No.05/2018 registered in Police Station Arakshi Kendra Durg, Police Chowki Padmanabhpur, District Durg for the offence punishable under Sections 294, 323, 302, 34 of IPC.
3. Case of the prosecution, in brief, is that the present applicants/accused and co-accused Giteshwar Sahare are the employees of Wine Shop. On 02.01.2018 at about 8:30 pm, the complainant Pawan Kumar Yadav and deceased Tejram had gone to Wine Shop to purchase liquor. On account of que in line, the dispute has arisen between the complainant, deceased Tejram and the applicants

and co-accused Giteshwar Sahare, due to which, the applicants and co-accused Giteshwar Sahare had beaten the said complainant and deceased by bamboo stick, club and rod. On the next date, when deceased Tejram had taken to hospital for his treatment, where Doctor has declared him dead.

4. Counsel for the applicant would submit that the applicants have not committed any offence and have been falsely implicated in the case. He would further submit that the prosecution has not made any persons as witnesses, who were in que. There are a contradictions in the statements of the witnesses, FSL report does not support the prosecution and there are also a contradictions in the spot map. The applicants are in jail for a long period and as such they may 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. These circumstances are the subject matter of the evidence.
8. Looking to these 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.
9. Consequently, the bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-