

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4957 of 2018**

Krishna Ram, S/o Heeraman Bunkar, aged about 23 years, R/o Village Gajadharpur, P.S. Kusmi, District Balrampur Ramanujganj (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Incharge, P.S. Kusmi, District Balrampur, (CG) (only mentioned as P.S. Rajpur).

---- Non-applicant

For Applicant : Mr. Sanjeev Verma, Advocate

For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****20.08.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the copy of charge-sheet provided by the counsel for the applicant in connection with Crime No.89/2017 registered in Police Station Kusmi, Balrampur for the offence punishable under Sections 341, 506, 323, 302, 147, 148, 149, 120(B) of IPC.
3. Case of the prosecution, in brief, is that deceased namely Rupan Ram is working as a Home Guard. He had an illicit relationship with the wife of co-accused Jagatpal. On 20.10.2017 at about 4:00 pm deceased Rupan Ram was going to Balrampur from his house by motor-cycle, when he came near the house of co-accused Jagatpal, co-accused Jagatpal, accused Krishna Ram, co-accused Heeraman Cheek and Smt. Heeramuni started beating to the deceased. To save the life, deceased Rupan Ram fled into the house of co-accused Mukund, then inside the house co-accused Mukund throttling the neck of the deceased and co-accused Jagatpal caused the injury on the backside of the head of the deceased by spade and accused Krishna caused the injury on the head of the deceased by crowbar as a result of which the deceased died

on the spot and thereby committed the aforesaid offences.

4. Counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
5. On the other hand, counsel for the State would oppose the prayer for grant of bail to the applicant.
6. I have heard counsel appearing for the parties and perused the case diary with utmost circumspection.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
8. Consequently, the bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-