

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5203 of 2018**

1. Santoshi Bai W/o Moti Lal Suryavnshi Aged About 25 Years R/o Tekar, P. S. Seepat District Bilaspur Chhattisgarh
2. Gandram Suryavanshi S/o Late Bhadauram Suryavanshi Aged About 70 Years R/o Village Birkona Misir Talab Paar P. S. Koni District Bilaspur Chhattisgarh
3. Melan Bai W/o Gandram Suryavanshi Aged About 64 Years R/o Village Birkona Misir Talab Paar P. S. Koni District Bilaspur Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through P. S. Koni District Bilaspur Chhattisgarh

---- Non-applicant

For Applicant : Shri Amit Kumar, Advocate.

For Non-applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24.08.2018**

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 is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No.60/2018 registered at Police Station – Koni, District – Bilaspur (C.G.) for the offence punishable under Sections 294, 506, 323, 302/34 of IPC.
3. Case of the prosecution, in brief is that on 20.02.2018 near about 7:30 pm in village Birkona, applicants had beaten the deceased Raj Kumar Vishwakarma with iron rod, axe and stick on account of earlier dispute. On 22.02.2018 deceased died in hospital. As per the post-

mortem report the cause of death was cardio-respiratory arrest due to injuries and its complications.

4. Learned counsel for the applicants argued that the deceased died due to asthma, a number of independent witnesses have turned hostile, applicants have been falsely implicated in the case, they are innocent, therefore, they may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, 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.
7. Consequently, the present bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE