

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5740 of 2018

1. Maniger Sahu, S/o. Late Mohar Sai Sahu, Aged About 44 Years, R/o.- Village- Chhote Khaira, Police Station and Tahsil- Sarangarh, District- Raigarh, Chhattisgarh.
2. Tula Ram, S/o. Maniger Sahu, Aged About 24 Years, R/o.- Village- Chhote Khaira, Police Station and Tahsil- Sarangarh, District- Raigarh, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station- Sarangarh, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Awadh Tripathi, Advocate
For Respondent	:	Mr. Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

28/08/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.21/2018, registered at Police Station- Sarangarh, District – Raigarh (C.G.) for the offence punishable under Section 147, 148, 302, 323, 109 of the Indian Penal Code.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Applicants are in jail since 19.02.2018 & 13.01.2018 respectively. No case is made out against them on the basis of the material present in the charge-sheet. They were simply present in the meeting and all of sudden the quarrel started. The applicants are not the main assailants. Hence, it is prayed that the applicants may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is further submitted that the act of the applicant had been in

furtherance of common intention for commission of the offence as alleged in this case. Hence, they are not entitled for grant of bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. On the date of incident, because of land dispute between the applicant No.1 and the husband of the deceased -Kevra Bai, both the parties met with each other to have a talk, but all of a sudden quarrel started between them, in which, the deceased Kevra Bai came to intervene and was assaulted by Hari Krishna and Vinod, who caused fatal injuries to her, which resulted in her death. It is alleged that this applicant and other co-accused persons instigated the main accused persons for commission of offence.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also for the reason that similarly placed co-accused persons have been granted bail by this Court and both the applicants are also similarly placed, hence for this reason, this Court is of the opinion that present is a fit case, in which, this applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge