

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7428 of 2018**

- Kanshiram Sahu S/o Shri Nilkanth Sahu Aged About 30 Years R/o Mopar, Thana- Suhela, Nagar Panchayat- Kunra, Police Station- Mopar, District- Balodabazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- City Kotwali, District- Balodabazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

And**MCRC No. 8390 of 2018**

- Hetram Sahu S/o Late Pahruram Sahu Aged About 40 Years R/o Village - Mopar, Police Station Suhela, Civil And Revenue District - Baloda Bazar - Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Baloda Bazar, Civil And Revenue District - Baloda Bazar - Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicants	: Ms. Smita Jha and Shri Adil Minhaj, Advocates.
For Non-applicant	: Shri Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****29.11.2018**

1. Since both the petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. These are first bail applications 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.

3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 392/2017 registered at Police Station – City Kotwali, District - Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 302, 201, 109 and 34 of the IPC.
4. Case of the prosecution, in brief is that wife of the deceased Sanjay Vaishnav admitted the deceased in district hospital Balodabazar for treatment on 19.09.2017 where he died. During the investigation, it was found that son of the deceased Tusar had seen that Pappu Kanshi uncle and Sahu uncle had beaten the deceased by cricket bat. Pappu Kanshi uncle had pressed neck of the deceased by leg. As per the statement of Deepak Sai, children of the deceased used to call Hetram Sahu as Sahu uncle.
5. Learned counsel for the applicants submit that applicants have no criminal background, they are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
7. Counsel for the applicant for Kanshiram further submitted that there are more than one Pappu Kanshi.
8. Counsel for the applicant Hetram further submitted that there was enmity between the relatives of the deceased and wife of the deceased. Thus, the version of the wife has been wrongly disbelieved by the relatives of the deceased.
9. 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, the present bail applications are rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE