

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7759 of 2018**

1. Thakur Ram S/o Baldev Ram Aged About 35 Years,
2. Devsai S/o Baldev Ram, aged about 25 years,

Both applicants by Caste- Chamar, R/o Village- Raghunathpur, Police Station And Tahsil-Premnagar, District- Surajpur, Chhattisgarh.,
... Applicants

Versus

State Of Chhattisgarh Through The Police Station- Premnagar, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh.

— Respondent

For the Applicants	:	Shri Gyan Prakash Shukla, Advocate
For the State	:	Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**03/12/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.12/2018 registered at Police Station Premnagar, District Surajpur (C.G.) for the offence punishable under Sections 294, 506(B), 456, 302/34 of IPC.
3. Case of the prosecution, in brief is that Bindeshwar Singh works in Pradeep Tiwari's Dhaba. On 12/02/2018 he and deceased Prem Mishra were sleeping at about 01:00 a.m. applicants reached there entered in the Dhaba, pulled deceased to outside, abused him and beat. Deceased was admitted in hospital due to injuries he succumbed in Medical College, Ambikapur.
4. Learned counsel for the applicants submits that they have innocent and falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.
6. Counsel for the applicants further submitted that this is not clear that applicants allegedly entered in the Dhaba or allegedly deceased had come outside. Alleged memorandum and seizure bear the date 16/02/2018, as per the alleged Japt Mal Register the date is 13/02/2018 mentioned, which shows that applicants have been falsely implicated. He further drew my attention on the statement of some witnesses.
7. What would be effect of the statements of some witnesses would be analyzed by the trial Court at the time of disposal of the case.

8. At this stage applicants did not get any help from aforesaid date of Japt Mal Register.
9. Looking to the above mentioned facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicants on society, the present bail application is rejected.
10. At this stage counsel for the applicants submitted that liberty may be granted to file subsequent bail application for examination of the witnesses.
11. There is no need of liberty for filing subsequent bail application on new grounds.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde