

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.8330 of 2018**

1. Laleshwar Uraon S/o Baban Tappo Aged About 35 Years R/o Bushupakhna Para, Singhitana, Police Station Lakhanpur, District Surgja Chhattisgarh.
2. Sukh Sai S/o Bandhuran Uraon Aged About 38 Years R/o Bushupakhna Para, Singhitana, Police Station Lakhanpur, District Surgja Chhattisgarh.
3. Ashok Trikey S/o Baldeo Tirkey Aged About 36 Years R/o Bushupakhna Para, Singhitana, Police Station Lakhanpur, District Surgja Chhattisgarh.
4. Suraj Kispotta S/o Dharam Sai Aged About 26 Years R/o Uadipurdabh, Police Chowki Madipur, Police Station Ambikapur District Surguja Chhattisgarh
5. Smt. Sonmati Uraon W/o Late Shri Bharat Uraon Aged About 52 Years R/o Bushupakhna Para, Singhtana, Police Station Lakhanpur, District Surgja Chhattisgarh.
6. Salim Tigga S/o Manoranjan Tigga Aged About 34 Years R/o Mendrakala, Police Chowki Mandir, Police Station Ambikapur District Surguja Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Madipur, District Surguja Chhattisgarh.

---- Respondent

For Applicant	: Shri Jitendra Shrivastava, Advocate
For respondent/State	: Shri Vivek Sharma, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****22.11.2018**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested on 23.6.2018 in connection with Crime No. 305/2018 registered at Police Station- Chowki Madipur Police Station Ambikapur (Surguja) (C.G.), for the offence punishable under Sections 302, 146, 148 & 149 of the Indian Penal Code.

2. As per the case of the prosecution, one dead body of unknown person was found on 22.6.2018 and it is alleged that a group of people assaulted the deceased on the assumption that he is a thief of children.

3. Learned counsel for the applicants submits that the applicants have been charge sheeted on the basis of general statement and one alleged video of the incident, but the same is not tallied with the medical expert. As per the opinion of the medical expert, the deceased died of head injury but there is no evidence regarding any of the applicants has caused head injury to the deceased, therefore, the applicants may be released on bail.

4. On the contrary, learned State counsel opposes the application for grant of bail.

5. Perused the entire material available on record.

6. Looking to the facts and circumstances of the case and further looking to the fact that the video which is collected by the authorities is not certified as per the provisions of the Indian Evidence Act, 1872, without further commenting on the merits of the case, I am inclined to release the applicants on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs. 25,000/-

with one local surety in the like amount to the satisfaction of the concerned trial Court. They shall appear before the trial court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
JUDGE

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