

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9718 of 2018

1. Randhawa Sonmundhri S/o. Chhukkur Sonmundhri, Aged about 47 years,
R/o. Fokatpara, Devar Para, Kasaridhi, Durg, District Durg (C.G.)
2. Pappu Devraj S/o. Shamter Devraj, Aged about 25 years, R/o. Lokat
Para, Devar Para, Village Anjora, District Rajnandgaon, presently
residing at Devar Para, Urla, Durg (C.G.)

---- Applicants

Versus

State of Chhattisgarh through District Magistrate Durg, District Durg (C.G.)

---- Respondent

For Applicants : Mr. P.R. Patankar, Advocate
For Respondent : Mr. Gary Mukhopadhyay, Govt. Advocate

Hon'ble Smt. Justice Vimla Singh Kapoor.

Order On Board

11/12/2018

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicants who have been arrested in connection with Crime No. 539/2018 registered at Police Station- Durg, District Durg (C.G.) for the offence punishable under Sections 302/34 IPC. The first bail application of the applicants was dismissed on 30.10.2018 in M.Cr.C. No. 7790 of 2018.
2. Case of the prosecution, in brief, is that on a trivial dispute the applicants assaulted Kitab Devaar with hand and fists on account of which he was admitted in the hospital on 05.07.2018 and on the same day Kitab Devaar died.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the case. He submits that the prosecution witnesses namely Dr. Rakhi Sachdeva (PW-1), Rajesh Banjare (PW-2), Shyamlal Dewar (PW-3), Shushila Bai (PW-4) and Jwala

Markam (PW-5) have been examined before the trial Court and they have not supported the case of the prosecution. He further submits that the challan has already been filed and the applicants are in jail since 07.07.2018, therefore, they may be enlarged on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. Considering the fact that the material witnesses have not supported the case of the prosecution and further taking into consideration the fact that the appellants are in jail since 07.07.2018, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Vimla Singh Kapoor)
Judge

Santosh