

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 684 of 2019**

- Komal Chandravanshi S/o Ishwari Chandravashi Aged About 45 Years R/o Village Bhagatpur, Police Station Pandariya, District Kabirdham Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pandariya, District Kabirdham Chhattisgarh

---- Non Applicant

MCRC No. 1357 of 2019

1. Shankar Chandravanshi S/o Komal Chandravanshi Aged About 19 Years R/o Village Bhagatpur, Police Station Pandariya, District Kabirdham Chhattisgarh
2. Durga Chandravanshi S/o Ishwar Chandravanshi Aged About 43 Years R/o Village Bhagatpur, Police Station Pandariya, District Kabirdham Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pandariya, District Kabirdham Chhattisgarh

---- Non Applicant

MCRC No. 1685 of 2019

- Manish Sakat S/o Shri Dulari Sakat Aged About 20 Years R/o Village Chhindipara, Sanakpat, P. S. Kukdur District Kabirdham Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pandariya, District Kabirdham Chhattisgarh

----Non Applicant

For the Applicants	:	Mr. Avinash Chand Sahu, Advocate
For Non Applicant	:	Mr. Vikram Dixit, Govt. Advocate
For Objector	:	Mr. Dinesh Tiwari, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****29.04.2019**

1. Heard on I.A. No.1.
2. Looking to the facts and circumstances of the case I.A. No.1 is allowed. Objector Foolwasan Bai is permitted to assist to prosecution, I.A. No.1 disposed of accordingly.
3. Since the all three petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
4. 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.
5. Perused the case diary provided by the learned counsel for the State in connection with

Crime No.190/2018 registered at Police Station-Pandariya District- Kabirdham (C.G.) for the offence punishable under Sections 302/34 of Indian Penal Code & Section 3(2) (5) Scheduled Caste & Scheduled Tribe Prevention of Atrocities Act.

6. Case of the prosecution, in brief is that on 04.10.2018 at about 9:30 am, deceased Lekhram @ Lalaram was found in dead condition on Padhi to gangapur road. Injuries were found on her head. One motorcycle was lying on the road. During the investigation on the memorandum of applicant Komal Chandravanshi one wooden club having blood like stains, one full pant and one full shirt having blood like stains were seized from him. On the memorandum of Shankar Chandravanshi one wooden club having blood like stains, one T-shirt having blood like stains were seized from him. On the memorandum of Durga Chandravanshi one sando vest having blood like stains, one lower having blood like stains, one towel having blood like stains, one wooden club having blood like stains were seized from him. On the memorandum of applicant Manish Kumar one knife having blood like stains, one T-shirt having blood like stains were seized from him. Earlier on account of land disputes applicant Komal Chandravanshi and his family members had given threatening to kill the deceased.
7. Learned counsel for the applicants submits that applicants have no criminal background, they are innocent and have been falsely implicated in the present case and they further submit that there is no iota of evidence against the applicants, no FSL report is in record, there is no fair investigation thus this possibility cannot be ruled out that deceased got injury on account of accident.
8. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
9. Looking to the above mentioned facts and circumstances of the case, looking to the evidence available on record, looking to the seriousness of the offence, looking to the impact of granting bail to the applicants on society, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul