

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2971 of 2019

1. Chandra Kumar S/o Dauwaram Aged About 50 Years R/o Bhatgaon, Police Station Pulgaon, District Durg Chhattisgarh., District : Durg, Chhattisgarh
2. Rohit Kumar S/o Chandra Kumar Aged About 27 Years R/o Bhatgaon, Police Station Pulgaon, District Durg Chhattisgarh., District : Durg, Chhattisgarh
3. Pradeep S/o Chandra Kumar Aged About 19 Years R/o Bhatgaon, Police Station Pulgaon, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pulgaon, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicants : Shri Jitendra Gupta, Advocate.

For Non-applicant : Ms. S. Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

14.05.2019

1. This is first bail application 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.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 187/2001 registered at Police Station – Pulgaon, District – Durg (C.G.) for the offence punishable under Sections 302, 506-B, 294, 307 of the Indian Penal Code.
3. Case of the prosecution, in brief is that applicants and coaccused abused complainants Ishwari and Shiv Prasad on 09.06.2011 gave threats to kill them, they beat Ishwari by wooden club and killed Shiv Prasad by causing injury by spade.
4. Learned counsel for the applicants argued that they are innocent and have been falsely implicated in the present case, they are in jail since long back, they have been acquitted by the trial Court and the matter has been remanded back, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
6. From the certified copy of the order sheets of the trial Court it reveals that the case is fixed for examination of the defence witness.
7. 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 application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE