

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5254 of 2019

- Dharamdas Manikpuri S/o Shri Mayadas Manikpuri, Aged About 45 Years, R/o Village-Binoda, Police Station- Sarsiva, District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh through Station House Officer, Police Station- Sarsiva, District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicant – Mr. Dheeraj Wankhede and Mr. Mayank Kumar, Advocates.
For Non-applicant/State – Ms. Akansha Jain, Deputy Govt. Advocate.
Ms. Anuja Sharma, Advocate on behalf of Ms. Supriya Upasane, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-10-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 17-01-2019 in connection with Crime No.18/2019 registered at P.S. - Sarsiva, District- Balodabazar- Bhatapara, Chhattisgarh for the offence under Section 302, 307 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 17-01-2019. No case is made out against the applicant. The applicant and the deceased had some previous civil dispute between them, because of which at the time of incident altercation took place in which the incident occurred all of a sudden. The case against the applicant may fall under one of the Exceptions mentioned under Section 300 of the IPC. The case is pending for trial, therefore, the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that it is a case of two murders and there are eye-witnesses present who will depose against the applicant. Therefore, no case is made out for grant of bail.

4. Learned counsel for the objector adopts the argument advanced by the State counsel and submits that the application may be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, on 16-01-2019 this applicant assaulted deceased Basanti Devi and Laxminbai with a rod causing fatal injuries to them, because of which they succumbed to the injuries. The FIR has been registered and the case has been investigated.

7. After considering on all the material present in the case diary and looking to the evidence present against this applicant in the charge sheet that has been filed, I do not feel inclined to allow this application.

8. Consequently, the application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge