

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7761 of 2018

Harikrishno Sahu, S/o. Maniger Sahu, aged about 23 years, R/o. Village – Chhote Khaira, P.S. & Tahsil – Sarangarh, District – Raigarh, (C.G.).

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station – Sarangarh, District - Raigarh, Chhattisgarh.

---- Respondent

And

M.CR.C. No. 6241 of 2018

Vinod Kumar, S/o. Makund Ram Sahu, aged about 31 years, R/o. Village – Chhote Khaira, P.S. & Tahsil – Sarangarh, District – Raigarh, (C.G.).

---- Applicant

Versus

State Of Chhattisgarh, Through : The District Magistrate, District Raigarh, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Awadh Tripathi, Advocate & Mr. Raghavendra Pradhan, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/02/2019

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.21/2018, registered at Police Station – Sarangarh, District – Raigarh (C.G.) for the offence punishable under Section 147, 148, 302, 323 and 109 of

the Indian Penal Code.

3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants in both the cases. It was a case of free fight between the two parties and one FIR has been lodged by the applicants' side on the basis of which case under Section 307 of the Indian Penal Code has been registered against the complainant side and the complainants are being prosecuted in a counter case. It is submitted that all the accused persons in the counter case have been granted bail by this Court and some of the co-accused in this case have also been granted bail by this Court. Further the trial is pending almost for one year and so far only two witnesses have been examined by the prosecution, who have not support the prosecution case. Hence, under these circumstances, it is prayed that this applicants be granted regular bail.
4. State Counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicants in both the application are the main assailants and because of the injuries cause by them to the deceased Kewara Bai had expired and thee are number of eye-witness, who are yet to be examined before the trial Court. Therefore, applicants are not entitled for grant of regular bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As alleged on the date of incident a dispute arose between the complainant party and applicants party regarding boundry of agricultural field and then all of sudden, these applicants and the other

co-accused persons assaulted the complainant party with clubs and sticks. Kewara Bai, who came to intervene was assaulted by applicants with clubs causing her fatal injuries, because of which she died on the spot. Hence, this case.

7. Considered on the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and also for the reason that both the applicants appears to be the main assailant in this case and there are main witness, who are yet to be examined before the trial Court, hence, for this reason this Court is of the opinion that present is not a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, both the bail application filed under Section 439 of the Cr.P.C. are rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge