

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6329 of 2019**

- Ajit Kumar Singh S/o Late Shri Hridaya Narayan Singh Aged About 39 Years R/o Bhathapara, Ambikapur, District : Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Ambikapur, Civil And Revenue District- Surguja, Chhattisgarh, District- Surguja, Chhattisgarh.

---- Respondent

MCRC No. 6669 of 2019

- Mukesh Goswami S/o Markandey Bharti Aged About 40 Years R/o Mohalla Bhattapara Police Station Ambikapur Kotwali Tehsil Ambikapur District Surguja Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Kotwali Ambikapur District Surguja Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Rakesh Kumar Jha, Adv. & Mr. Pramod Verma, Sr. Adv. Assisted with Mr. Virendra Verma, Adv.
For Respondent	:	Mr. Vaibhav K. Goverdhan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26/11/2019**

- The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 303/2019 registered at Police Station – Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 364, 307, 302, 201, 342, 394, 368, 367 & 34 of IPC.
- It is the case of the prosecution that, one Mahendra Sharma

and Upendra Shamra had done some carpentry work for the applicant Mukesh Goswami, with which the applicant was not satisfied. Thereafter, applicant Mukesh Goswami had seized the tools of Mahendra Sharma and Upendra Sharma. On the night of 28.08.2019, co-accused/applicant Ajit Kumar Singh, took Mahendra Sharma, to the house of the applicant Mukesh Goswami in a car and after sometime also took Upendra Sharma and son of Mahendra Sharma, namely Rajesh. When Rajesh and Upendra reached the house of the applicant, they saw that the applicant Mukesh Goswami and his servant Siyaram were beating Mahendra with a lathi and applicant Ajit Kumar Singh was present there. Siyaram is also an accused but he is a Juvenile. Mahendra Sharma died due to injury. After completion of investigation, alleged offences have been registered against the applicants and the applicants have been arrested.

- Learned counsel for the applicant submits that the applicants have been falsely implicated in the crime in question. He further submits that as the applicants are in custody since 29.05.2019 and the trial is likely to take some time for its final disposal, they may be released on bail.
- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, detention period of the applicants facts and circumstances of the case, the fact that applicant Ajit Kumar Singh is not a main accused and the allegation against him is that he was present there at the time of incident and he did

not stop the main accused, I am inclined to release applicant namely Ajit Kumar Singh on bail.

- So far as applicant Mukesh Goswami is concerned, direct allegations have been made against him. Thus, this Court is of the view that it is not a fit case to release the applicant namely Mukesh Goswami to release on bail. Accordingly, the bail application filed on behalf of applicant Mukesh Goswami is dismissed.
- It is directed that the applicant namely Ajit Kumar Singh shall be released on bail on executing a personal bond for a sum of Rs. 25,000/-, with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu