

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 566 of 2020

- Rajesh Kumar Alias Nankidau S/o Sakhuram Khairwar Aged About 23 Years (Only Mentioned Father Name As Sakhu Khairwar)
- Shivanand Alias Dara S/o Sakhuram Khairwar, Aged About 26 Years
- Deepak Kumar S/o Panchuram Khairwar Aged About 21 Years All R/o Village Koniya path, Police Station - Saragaon, District - Janjgir - Champa Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer Police Station - Saragaon, District - Janjgir - Champa Chhattisgarh.,

---- Respondent

For Applicant	: Shri F.S.Khare, Advocate
For Respondent/State	: Smt. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

09/03/2020

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 55/2019 registered at police station Sargaon, District Janjgir-Champa (CG) for the offence punishable under Sections 294,506-B,323/34, 307 and 302/34 IPC.

As per prosecution case, on the date of incident, the deceased Gangadhar Khairwar along with some boys were playing cricket, at that time, the applicants came there and started abusing. It is alleged that when deceased and his companions asked them as to why they

were abusing, they assaulted him with club on his head and he sustained injuries, resulting to death.

Counsel for the applicants submits that so far as applicant No.2 Shivanand @ Dara is concerned, he seeks to withdraw the bail application on his behalf with liberty to renew the same after examination of material witnesses.

He submits that the applicants No. 1 & 3 are innocent and have been falsely implicated in the crime in question. He submits that the main allegation is against the applicant No.2; the applicants are in jail since 12.08.19 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsels for the parties, considered the totality of the fact, in particular the detention period of the applicants 1 & 3, I am inclined to release them on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs. 25,000/- each with one surety for the like sum to the satisfaction of the concerned Court, they shall be released on bail. The bail application on behalf of applicant No.2 Shivanand @ Dara is dismissed as withdrawn with the liberty as aforesaid.

Sd/-
(Rajani Dubey)
Judge

