

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.884 of 2020

Anand Abhishek, S/o Narayan Singh, aged about 20 years, R/o Village Mangamar, P.S. Dipka, Tahsil Pali, District Korba (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Police Chowki Hardi Bazar, P.S. Kusmunda, District Korba (C.G.)

---- Non-applicant

Misc. Criminal Case No.1718 of 2020

Jivan Singh, S/o Late Kunde Singh, aged about 29 years, R/o Village Nevsa, P.S. Pali, Tahsil Pali, District Korba (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Police Chowki Hardi Bazar, P.S. Kusmunda, District Korba (C.G.)

---- Non-applicant

ANDMisc. Criminal Case No.1741 of 2020

Indrapal Singh, S/o Bhav Singh, aged about 27 years, R/o Village Nevsa, P.S. Dipka, Tahsil Pali, District Korba (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Police Chowki Hardi Bazar, P.S. Kusmunda, District Korba (C.G.)

---- Non-applicant

For Applicants:	Mr. F.S. Khare, Advocate.
For Non-applicant:	Mr. Mateen Siddiqui, Deputy Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/05/2020

1. Since these three bail applications arise out of the same crime number, they are being disposed of by this common order.
2. The accused/applicants have moved these bail applications under

Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.164/2019, registered at Police Chowki Hardi Bazar, P.S. Kusmunda, District Korba, for the offence punishable under Sections 147, 148, 302 read with Section 149, 201 read with Section 149 and 302 of the IPC.

3. Case of the prosecution, in brief, is that these three applicants assaulted the deceased by lathi, arms and fists by which the deceased succumbed to the injuries sustained by him and died and thereby the applicants have committed the offence.
4. Learned counsel for the applicants submits that these are the first bail applications filed on behalf of the applicants for grant of regular bail, the applicants have not committed any offence and they have been falsely implicated in the case. The applicants have been arrested on 5-5-2019.
5. On the other hand, learned State counsel opposes the applications and submits that there is sufficient evidence to connect all the applicants with the crime in question. He further submits that almost all the witnesses have been examined, only three witnesses are yet to be examined.
6. I have heard learned counsel for the parties.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case and considering the material available on record, since the prosecution evidence is at advanced stage, I am not inclined to grant bail to the applicants. The applications are rejected. However, learned Additional Sessions Judge is directed to examine the remaining three witnesses expeditiously and keep them present for examination by following the directions issued by the Supreme Court in the matter of **In Re : Guidelines for court functioning through Video Conferencing during COVID-19 Pandemic** (Suo Motu Writ Petition (C) No.5/2020), issued on 6-4-2020.

Sd/-
(Sanjay K. Agrawal)
Judge