

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1332 of 2020

- Keshwar Prasad @ Pandit S/o Thakur Prasad Rajwade, Aged About 40 Years, Caste- Rajwar, R/o Village- Dalabakra (Baskar) Police Station- Jhilmili, Tahsil- Bhaiyathan, District- Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer Police Station- Jhilmili, District- Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

----Non-applicant

MCRC No. 1403 of 2020

1. Shankar Prasad @ Bhole S/o Bhaggu Ram Bargah, Aged About 20 Years, R/o Village Bastar, Police Station and Tahsil Bhaiyathan, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
2. Pappu Singh S/o Mahadev, Aged About 27 Years, Caste Gond, R/o Village Dalbakra, Police Station Jhilmili, Tahsil Bhaiyathan, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through Police Station Jhilmili, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

----Non-applicant

For Applicants – Shri Dashrath Kushwaha, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate and Shri Sudeep Verma, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

13-03-2020

1. As both these applications arise out of the same crime number, i.e., Crime No.57/2019 registered at Police Station, Jhilmili, District Surajpur, Chhattisgarh for offence under Section 147, 148, 149, 302 of the IPC, they are being disposed off by this common order.

2. Both these applications filed under Section 439 of the Cr.P.C. by the applicants for grant of regular bail. These are second bail applications filed by the applicants before this Court. The earlier application filed by applicants Shankar Prasad @ Bhole and Pappu Singh (MCRC No.4941/2019) was dismissed as withdrawn on 06-08-2019 and earlier bail application filed by

applicant Keshwar Prasad @ Pandit (MCRC No.2606/2019) was dismissed as withdrawn on 08-07-2019. The applicants are in jail since 27-03-2019 in connection with aforesaid crime number and offence.

3. It is submitted on behalf of the applicants that the applicants are innocent and they have been falsely implicated in this case. They have not played any role in the said commission of offence of murder and there is no specific allegation made by the witnesses regarding the act of these applicants. They are in jail since 27-03-2019. Therefore, it is prayed that they may be granted bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that the trial is making progress satisfactorily which may be concluded very soon and apart from that, the witnesses have supported the prosecution in trial. Therefore, no case is made out for grant of bail.

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

6. According to the prosecution case, on the date of incident these applicants and other co-accused persons formed unlawful assembly being armed with clubs, stones and brickbats who assaulted and injured deceased Vijay fatally which resulted in his death. Hence, this case.

7. Looking to the evidence that is present and also the statements of the witnesses which have been recorded by the trial Court against these applicants, I am of this view that this is not a fit case for grant of regular bail to the applicants.

8. Accordingly, both these applications filed by the applicants for grant of regular bail are rejected. However, the trial Court is directed to expedite the trial and conclude the same preferably within a period of six months.

Sd/-
(Rajendra Chandra Singh Samant)
Judge