

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3619 of 2020

1. Bachchu Chutel, S/o Bhaiyalal, Aged About 45 Years R/o Fertilizer Basti, Darri, Police Station Darri, Tahsil Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh
2. Chandrakesh S/o Bachchu Chutel, Aged About 23 Years R/o Fertilizer Basti, Darri, Police Station Darri, Tahsil Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicants

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Darri, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Respondent

For Applicant	: Mr. Dharmesh Srivastava, Advocate.
For State/respondent	: Mr. D.P. Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/06/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as they are in custody in connection with Crime No.302/2019 registered at Police -Station-Darri, District-Korba(C.G.) for the offence punishable under Sections 294, 506, 324, 307, 34, 302 of IPC.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. No case of murder or attempt to murder is made out against these applicants. According

to the facts present in the prosecution case, these applicants had no premeditation with the co-accused Mahesh Chutel and that was a totally different incident when the main accused Mahesh Chutel stabbed the deceased with a trident(Trishul), hence, there is nothing to suggest that these applicants had common intention in the commission of that offence of murder. The material witnesses of this case have been examined, who make it clear that these applicants were not the participants in the commission of offence of murder, hence, it is prayed that they may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the statement given by the witnesses shall be examined by the trial Court for drawing any conclusion and, further, the deceased has given dying declaration naming all of the applicants equally for the infliction of fatal wound to him, therefore, no case is made out in favor of these applicants.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to prosecution case, on the date of incident these applicants and the co-accused Mahesh Chutel had an argument with the deceased Dinesh Mehto then they started assaulting the deceased with the hands and fists. Ajay Mehto son of deceased intervened in the quarrel and when he was bringing his father Dinesh Mehto back, then all of co-accused sudden Mahesh Chutel came armed with a trident and stabbed the deceased on his chest which was a fatal injury. Hence, this case.

6. After considering the statement of the informant in FIR and other circumstances that are present against these applicants, I feel inclined to allow the bail application of these applicants.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for thier appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha