

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 17-09-2020Order delivered on 29-09-2020**MCRC No. 4189 of 2020**

1. Parmanand Jamre S/o Rupau Jamre Aged About 47 Years,
2. Kuleshwar Thakre S/o Gautariha Thakre Aged About 26 Years,
3. Nandkumar Panche S/o Sukhram Panche Aged About 41 Years,
4. Lokesh Jangde S/o Parmanand Jangde Aged About 25 Years,
5. Noharlal Thakre S/o Ramawatar Thakre Aged About 23 Years,
6. Narsingh Panche S/o Limtariha Panche Aged About 37 Years
7. Mohanlal Panche S/o Guhriram Panche Aged About 48 Years,
8. Jalchand Panche S/o Mohanlal Panche Aged About 20 Years,
9. Bajarul Panche S/o Guhriram Panche Aged About 44 Years

All are R/o Village Gongle, Police Station Salhewara, Tahsil
Chhuikhadan, District Rajnandgaon, Chhattisgarh

---- **Applicants**

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station-
Salhewara, District Rajnandgaon, Chhattisgarh

---- **Respondents**

For Applicants

Mr. Hemant Kesharwani, Advocate

For Respondent /State

Mr. K.K. Singh, Govt. Advocate

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

1. Heard.
2. The applicants have preferred this first bail application under Section 439 of CrPC, as they are arrested in connection with Crime No.25/2020, registered at Police Station Salhewara, District Rajnandgaon (CG), for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code.
3. Present nine applicants have allegedly assaulted Narad Panche (since deceased) at about 11 pm on 10.05.2020.
4. It is argued that names of three applicants i.e., Kuleshwar (applicant No.2), Nandkumar (applicant No.3) and Jalchand (applicant No.8) have not been mentioned in the FIR, therefore, at least these three applicants are entitled to be released on bail.
5. On the other hand, learned State counsel would oppose the bail application.
6. Vivek Jamre and Chowa Ram @ Mamraj are the two eye witnesses who have seen the occurrence. In the diary statement these two witnesses have named all the applicants as the persons who assaulted the deceased. Moreover the

deceased had made oral dying declaration to his sister-in-law (*Bhabhi*) Parwati Panche and Panchu Panche.

7. Considering the eyewitness account and oral dying declaration made by the deceased to the witnesses, this Court is not inclined to grant bail to the applicants.

8. Accordingly, the bail application is rejected.

SD/-

(Prashant Kumar Mishra)
Judge

Gowri