

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5452 of 2020**

1. Rajkumar Sahu S/o Ramlakhan Sahu, aged about 32 years, Caste Teli, Occupation, cultivator
 2. Ramlakhan Sahu, S.o Lalte Heeralal Sahu, aged about 61 years, Caste Teli, Occupation, Cultivator,
- Both are R/o village Dyodhi, Police Station Chandani, District Surajpur (CG)

---- Applicants**Versus**

State Of Chhattisgarh Through the Station House Officer
Police Station Chandani, District Surajpur (CG)

---- Respondent

For Applicants	:	Shri Ashok Kumar Shukla, Advocate
For Respondent	:	Shri Gagan Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29.9.2020**

1. The matter is heard through video conferencing.
2. The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.48/2019, registered at Police Station -Chandani, District Surajpur(C.G.) for the offence punishable under Sections 302/34 of the IPC.
3. It is the case of the prosecution that on 7.9.2019, at about 7.30 am, when the deceased namely- Devsiya Sahu was grazing her cattle, at that time on account of land dispute, the present applicants along with other co-accused persons

assaulted the deceased on her head, as a result of which she sustained grievous injuries and died. On the basis of mere intimation, FIR was lodged and present applicants have been taken into custody.

4. Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in the case. He submits that the applicant had no intention to assault the deceased, but on account of land dispute, the incident had taken place. He submits that the applicants are in jail since 9.9.2019 and 4.10.2019 and the trial is likely to take some time for its final disposal, therefore, they may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He submits that the applicants have assaulted the deceased with axe on her head due to which she died on the spot.
6. Considering the totality of the facts and circumstances of the case, nature of allegations against the applicants and the role attributed to the applicants, I am of the opinion that present is not a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the application filed under Section 439 Cr.P.C. is dismissed.
8. Certified copy as per rules.

Sd/
(Rajani Dubey)
Judge