

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6443 of 2020**

1. Sahil Singh Anchal S/o Shri Balram Singh Anchal, Aged About 20 Years R/o Village - Indira Nagar, Pachpedi, Police Station - Pachpedi, Civil And Revenue District - Bilaspur (Chhattisgarh),
2. Chandrabhan Singh Anchal S/o Shri Dhanuwa Singh Anchal, Aged About 70 Years R/o Village - Indira Nagar, Pachpedi, Police Station - Pachpedi, Civil And Revenue District - Bilaspur (Chhattisgarh),
3. Smt. Dhaneshwari Bai Anchal W/o Shri Chandrabhan Singh Anchal, Aged About 60 Years R/o Village - Indira Nagar, Pachpedi, Police Station - Pachpedi, Civil And Revenue District - Bilaspur (Chhattisgarh),

---- Applicants**Versus**

- State Of Chhattisgarh Through - The Station House Officer, Police Station - Pachpedi, Civil And Revenue District - Bilaspur (Chhattisgarh),

---- Respondent

For Applicants	:	Mr. Paras Mani Shriwas, Advocate.
For State	:	Mr. Dinesh Tiwari, Deputy Govt. Advocate

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****27-11-2020**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as they are in jail since 7-4-2020 in connection with Crime No. 30 of 2020 registered at Police Station Pachpedi, District Bilaspur (CG) for the offence punishable under Sections 147, 148, 149 and 302 of IPC.
2. The allegation against the present applicants is that on 7-4-2020 all the applicants formed into an unlawful assembly and assaulted the complainant Parameshwar Madhukar, Budhram and Ramkhilawan

through hands and sticks as a result of which they sustained injuries and Ramkhilawan was admitted in hospital where he succumbed to his injuries, thereby the applicants have committed the aforesaid offence.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. He further submits that complainant Parameshwar, Budhram and Ramkhilawan came to the house of the applicants and started abusing them and when the applicants tried to intervene, the deceased fell down and received injury on his head and thereafter he died in the hospital. He further submits that charge sheet has been filed in this case, the applicants are in custody since 7-4-2020 and trial is likely to take some time for its disposal, therefore, the applicants may be released on bail.
4. On the other hand, learned counsel for the respondent/State opposes the bail application and there is direct evidence against the applicants and there are also eye witnesses to the incident and even as per medical report, grievous injury was found on the head of Ramkhilawan as a result of which he died.
5. I have heard learned counsel for the parties and perused the record.
6. Considering all the facts and circumstances of the case, looking to the entire evidence collected by the prosecution and memorandum statements of the witnesses that all the accused persons formed unlawful assembly and caused injuries to the complainant Parameshwar, Budhram and Ramkhilawan and considering the medical report of Ramkhilawan, who died in the hospital and further considering the nature of offence in which manner the applicants committed the offence, I am of the opinion that it is not a fit case to

grant bail to the applicants.

7. Accordingly, the instant bail petition is liable to be and is hereby dismissed.

Sd/-

(Gautam Chourdiya)

Judge

Raju