

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6573 of 2020

Dashrath Jangde S/o Late Shiv Prasad Jangde Aged About 35 Years R/o- Kharun Greens Kumhari, Police Station- Kumhari, Tahsil And District- Durg, Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through- Police Station- Kumhari, District- Durg, Chhattisgarh

---- Respondent

And

MCRC No. 6607 of 2020

1. Sanjay Tandon son of Late Rajendra Tandon Aged About 18 Years,
 2. Dileshwar Khutel Son of Roopdas Khutel Aged About 19 Years,
- Both are R/o. Village- Kukda, Police Station- Kumhari, Tahsil And District- Durg (Chhattisgarh) **---- Applicants**

Versus

State Of Chhattisgarh Through Police Station Kumhari, District- Durg (Chhattisgarh) **---Respondent**

For applicants - Shri P.K. Patel and Shri Dashrath Kushwaha, Advocates.
For Respondent/State – Smt. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

15/12/2020

1. Both these bail applications are decided by this common order as they are arising out of the same crime number.
2. The applicants have preferred these applications for grant of bail as they are arrested in connection with Crime 103/2020 registered in Police Station Kumhari, District Durg (C.G.) for offence punishable under sections 302, 294, 506B, 323, 341, 427, 34 Indian Penal Code.
3. As per the prosecution case, on 4/07/2020 the bus of Shukla travels bearing No. C.G. 08/A.L.-1946 was coming back from Bhatapara to Supela Bhilai. At that time at 5.20 in pulsor vehicle and activa two persons intercepted on the ground that the bus was not giving side and after stopping the bus they attacked with the bricks and stone wherein one

persons Jairam Gond who was sitting in the bus got an injury at his chest and one other Muskan Shukla got an injury on her leg. Subsequently, Jairam Gond died because of the injury.

4. Learned counsel for the applicants submits that there was no intention to kill the deceased as they were not knowing of the fact that Jairam Gond was sitting in the bus and because of the road rage the incident happened and the case will not fall under section 302 of IPC.

5. Per contra, learned State counsel opposes the argument and refers to statement of Shivam Mishra and would submit that initially the incident happened at about 5.20 when the bus was stopped and quarrel took place. Thereafter with the intervention of the traffic police and the other persons it was subsided, at that time the person on the bike extended threat that they will see them. Subsequently, thereafter at about 6 'o clock when the bus reached another place it was stopped and the assault was made by the brick and stone whereby Jairam Gond sustained the injury and eventually died.

6. Perused the statement of Shivam Mishra. According to the statement at the first instance the issue was resolved and subsequently on extension of threat the bus was subsequently stopped and assault was made. Therefore whether the case would fall under the exception would be on the burden of the accused as per Section 105 of the Evidence Act. Considering the incident as on the repeat incident, the assault was made which eventually caused the death, this court is not inclined to release the applicants on bail.

7. Accordingly, the both the bail applications are dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE

