

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C No. 2997 of 2021

1. Bahali Ram S/o Dhaniram Rathiya, Aged About 35 Years.
2. Videsh Chakradhari S/o Faguram Chakradhari, Aged About 25 Years.
Both are R/o Village - Ruaful, Police Station -Kapu, District -Raigarh, Chhattisgarh.

---- Appellants

Versus

State of Chhattisgarh Through Officer-In-Charge Police Station - Kapu,
District - Raigarh, Chhattisgarh.

---- Respondent

M.Cr.C No.1878 of 2021

Ramprasad Rathiya S/o Mangalsai Rathiya, Aged About 25 Years, R/o Ruwaphul, P.S.- Kapu, Tahsil- Dharamjaigarh, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer P.S -Kapu,
District- Raigarh, Chhattisgarh.

--- Respondent

For Applicants	: Mr. Shri Ashutosh Mishra and Shri M.K. Jaiswal, Advocate.
For State	: Mr. Sudhir Sahu, Advocate.

(Proceedings through video conferencing)

Hon'ble Shri Parth Prateem Sahu, J

Order on Board

27/08/2021

Heard.

1. As above bail applications arise out of same crime number, they are being heard together and decided by this common order.
2. These are the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicants, who have been arrested in connection with Crime No.90/2020, registered at Police Station –Kapu, District- Raigarh, (C.G), for the offence punishable under Sections 302 and 34 of Indian Penal Code.

3. Case of the prosecution is that on 15.11.2020 at about 5:00 pm applicants along-with other co-accused Gopi, Tulsi Kumar and Sukh Singh have assaulted deceased Bagar Sai on some dispute with regard to liquor. All of them have assaulted deceased by means of hands and fists, as a result deceased became unconscious and fell down. Deceased was brought out of house of Gopi, and his body was kept on an open place, the same remained there till 16.11.2020 on which date he died. Merg was intimated to concerned Police Station based upon which instant crime is registered against applicants and other co-accused persons.
4. Learned counsel for the applicants submits that applicants have not committed any offence as alleged against them. They went there to intervene the incident between deceased and others co-accused persons Gopi, Tulsi Kumar and Sukh Singh. Applicants brought the deceased in an open place from house of Gopi in unconscious conditions. There was no meeting of mind and there was no intention of applicants to cause murder of deceased. Hence, applicants may be released on bail.
5. Learned State Counsel opposes the submissions made by learned counsel for applicants and submits that there are eye-witnesses to the incident who have seen applicants alongwith other co-accused persons assaulting the deceased. He further submits that Shushila, Shyam Bai Chirtaram, Manjhiram have seen the incident. Bail application of co-accused Gopi, Tulsi Kumar and Sukh Singh bearing MCRC No.2414/2020 came to be dismissed on 16.07.2021. Allegation against these applicants are also similar to that of co-accused persons, whose

bail application has already been rejected. Hence, they are also not entitled for grant of bail.

6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegations, material available on record, statements of eye-witnesses and the fact that bail application of co-accused persons has been dismissed, I do not find it to be a fit case to enlarge applicants on regular bail.
8. Accordingly, applications are dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-