

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 2832 of 2021

1. Bhikham Khande, S/o Khilan Khande, Aged About 60 Years, R/o Village Rehunta, P. S. Mungeli, District Mungeli Chhattisgarh.
2. Golu Khande S/o Bhikham Khande, Aged About 26 Years, Wrongly Written as Sasnjay Khande. R/o Village Rehunta, P. S. Mungeli, District Mungeli Chhattisgarh. ---- **Applicants**

Versus

- State of Chhattisgarh, Through- P. S. City Kotawali, District-Mungeli, Chhattisgarh. ---- **Non-Applicant**

MCRC No. 3382 of 2021

- Ramkumar @ Ram Khande, S/o Nathuwadas Khande, Aged About 35 Years, R/o Village Rehunta, Police Station City Kotwali Mungeli, Tahsil and District Mungeli Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station City Kotwali , Mungeli District Mungeli, Chhattisgarh.

---- **Non-Applicant**

MCRC No. 3418 of 2021

- Punnuram Khande, S/o Shivchand Khande (Wrongly Written As Chivnchad) Aged About 44 Years R/o Village Rehunta, Police Station City Kotawali Mungeli, Tahsil and District Mungeli Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through Police Station Mungeli (City Kotawali) District Mungeli Chhattisgarh. ---- **Non-Applicant**

MCRC No. 3938 of 2021

- Hiro Singh @ Pakalu S/o Shri Ramchandra Baghel Aged About 25 Years R/o Village Rehuta, Thana and Tahsil Mungeli District Mungeli Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Mungeli Chhattisgarh.

---- **Respondent**

MCRC No. 4059 of 2021

- Sanjay Khande, S/o Bhikham Khande, Aged About 35 Years, R/o Village Rehunta, Police Station City Kotwaly Mungeli, District Mungeli, Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through Police Station City Kotawali, District Mungeli Chhattisgarh. ---- **Non-Applicant**

MCRC No. 4988 of 2021

- Chhannu @ Chandrakumar Patle, S/o Late Amru Patle, Aged About 51 Years, R/o Village Rehunta, Police Station City Kotwali, Mungeli, District- Mungeli, Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station City Kotwali, Mungeli, District- Mungeli, Chhattisgarh.

---- **Non-Applicant**

For Applicants : Shri Rajesh Jain, Shri Sunil Sahu, Shri Lavkush Kumar Sahu and Shri C.K. Sahu, Advocates

For Non-Applicant/State: Shri Adil Minhaj, Government Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16.07.2021

- 1) Since all these cases arise out of same crime number, they are being disposed of by this common order.
- 2) The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as applicants were arrested on 19.01.2021 in connection with Crime No.33/2021 registered at Police Station- City Kotwali, Mungeli, District- Mungeli (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 307, 302/34, 201/34 of IPC.
- 3) Case of the prosecution, in brief, is that the complainant Ashok Khande lodged a report on 18.01.2021 at police station Citi Kotwali- Mungeli to the effect that on 17.01.2021 one Ajay Jangde came to his house at 10.45 pm and informed that while

he was consuming liquor with Sanjay Kurrey at 17.01.2021 at 10.30 pm on way the way from village- Rehuta to Kodukapa, the applicants alongwith other co-accused persons reached there and due to previous enmity started assaulting Sanjay Kurrey by axe and club with common intention by abusing him filthily. When he (Ajay Jangde) tried to run away from there he too was assaulted with axe and club as a result of which his little finger cut off. After hearing this, he went to the spot alongwith his relatives and Sanjay Kurrey was found lying dead there.

- 4) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants Bhikham Khande, Golu Khande, Punniram Khande and Sanjay Khandey submits that due to previous enmity they are roped in this case, only one club seized from the applicant Bhikham Khande which is not sufficient to prove his guilt. Counsel for the applicants Ramkumar @ Ram Khande, Hiro Singh @ Pakalu and Chhannu @ Chandrakumar submit that they were not involved in this case, only on the statement of alcoholic Ajay Jangde, the complainant lodged report against the present applicants. It is further submitted that charge-sheet has already been filed, they are in jail since 19.01.2021, they have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail applications and submits that as per post-mortem report the deceased sustained as many as 31 injuries and cause of death was opined to be serious injuries to vital parts. In the FIR name of all the applicants are mentioned and they have brutally assaulted the deceased till death. Eye witness of this case Ajay Jandge has seen the whole incident.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the allegations made against the present applicants, statement of the eye witness,

post-mortem report of the deceased, injuries sustained by the deceased, without commenting on merits of the case I am not inclined to grant bail to the present applicants.

7) Accordingly, the applications are rejected.

Sd/-
(Gautam Chourdiya)
Judge

Nadim