

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6244 of 2020**

1. Ramkuber Gupta S/o Ferai Gupta, Aged About 48 Years R/o - House No. 218, Vrinda Nagar, Camp - 1, Bhilai, District Durg Chhattisgarh
2. Ramesh Jangade, S/o Laxman Jangade, Aged About 58 Years R/o - House No. 157, Near Shiv Temple, Vrinda Nagar, Camp - 1, Bhilai, District Durg Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through District Magistrate Durg Chhattisgarh

---- Respondent

For Applicants	:	Shri Sakib Ahmed, Advocate
For Respondents/State	:	Ms. Sunita Jain, GA
For Objector	:	Shri Pawan Kesharwani, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****05/02/2021**

1. Heard.
2. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 13.03.2020 in connection with Crime No.60/2020 registered at Police Station Vaishali Nagar, Durg (CG) for the offence punishable under Sections 147, 148, 302, 120 (b) of IPC.
3. As per the prosecution case, on 10.03.2020 the applicants along with other

co-accused assaulted one Shailesh Yadav with club and rod and thereafter when he fell down on the road he was ran over by the car by one of the accused.

4. Learned counsel for the applicants submits that the statement of the eye witnesses are contradictory and one of the witnesses have stated that the body of the deceased was found at Andhra School whereas the body was found at the square of the road. He would therefore, submit that there is serious contradiction exists and it was a road accident which is evident from the report which is filed along with this bail application as Annexure A-2. He would further submit that the applicants have been falsely implicated, therefore, the applicants may be released on bail.
5. Per contra, learned State counsel and the counsel for the objector vehemently oppose the prayer for grant of bail and would submit that initially the deceased was beaten by rod and club, thereafter, when he fell down he was ran over by the car. It is further submitted that as many as 20 injuries are to the body of the deceased, which would show that the all the other co-accused have jointly operated in execution of the offence. Learned State counsel went through the statement of Hari Chandra Yadav & Manish Yadav and would submit that the categorical statement and allegations have been alleged against the present applicants, therefore, they are not entitled for bail.
6. Considering the statement of Hari Chandra Yadav & Manish Yadav, wherein the categorical submission has been made about the assault and the charges have already been made under Section 147, 148, 302 & 120 (b) of

the IPC which prima facie would show that in the vital organs 20 injuries were to the body of the deceased, considering the same, I am not inclined to release the applicants on bail.

7. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu