

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 721 of 2020

- Sunher Pudo Son Of Late Shri Ramsingh Pudo Aged About 49 Years Resident Of Village Konde, Post Sadhumichgaon, Police Station And Tahsil Durgkondal, District Kanker (Chhattisgarh), District : Kanker, CG. **---- Appellant.**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Durgkondal, District Kanker (Chhattisgarh), District : Kanker, CG. **---- Respondent**

With

CRA No. 75 of 2021

1. Dalsu Pudo S/o Late Shri Chaituram Pudo Aged About 55 Years R/o Village Konde, Uttar Bastar Kanker, Police Station Durgukondal, District Kanker Chhattisgarh., District : Kanker, Chhattisgarh
2. Sukaal Yadav @ Mansingh S/o Late Shri Amar Singh Yadav Aged About 37 Years R/o Village Subhani Khedegaon, Uttar Bastar Kanker Police Station Durgukondal, District Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

---- Appellants.

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Uttar Bastar Kanker, District Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Respondent

For the Appellants :-	Mr. Sanjay Kumar Agrawal and Ms. Sareena Khan, Counsel for the respective appellants.
For the State :-	Ms. Fauzia Mirza, Addl. AG.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board by Justice Manindra Mohan Shrivastava, J.
02.03.2021

At the outset, learned counsel appearing for the appellant Sunher Pudo praying for withdrawal of his appeal with liberty to

renew bail application before the Court below after examination of the eye witnesses.

Therefore, CRA No. 721 of 2021 is **dismissed** as withdrawn with the liberty as prayed for.

2. Learned counsel appearing for other appellants Dalsu and Sukaal would argue that Dalsu Pudo and Sukaal have been involved in the incident as an afterthought. It is argued that initially soon after the incident i.e. on 27.08.2019 when *Merg* and FIR was lodged and even the case diary statement of eye witnesses namely Devli Kodariya and her daughter Satya were recorded, the accused were not named. It was only subsequently that by way of supplementary statement under Section 161 Cr.P.C. accused Sukaal and Dalsu have been involved in the alleged commission of offence.

3. On the other hand, learned State counsel would argue that, though subsequently, but the eye witnesses have clearly involved Dalsu and Sukaal and therefore, their application for grant of bail has been rejected by the Court below. The prosecution case with regard to Dalsu Pudo and Sukaal is based on supplementary case diary statement of the alleged eye witnesses.

4. In the *Merg* intimation and FIR and even in the initial case diary statement of alleged eye witnesses, Dalsu Pudo and Sukaal were not involved. Therefore, considering these materials, in our opinion, Dalsu and Sukaal were entitled to grant of bail.

5. Accordingly, the order passed by the Court below in respect of Dalsu Pudo and Sukaal Yadav is set aside and bail application of Dalsu and Sukaal is allowed.

6. Each appellants – Dalsu Pudo and Sukaal Yadav shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local sureties of the like amount to the satisfaction of the concerned trial Court, for their appearance before the concerned trial Court on each and every date, as may be directed.

7. Accordingly, CRA No.721 of 2020 is **dismissed** and CRA No.75/2021 is **allowed** to the extent indicated above.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ajay