

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 8227 of 2021

1. Santosh @ Sam Tandi S/o Shri Kishor Tandi Aged About 30 Years
R/o Kundara Para, Street Behind Eakta Hospital , Shanti Nagar,
Police Station Khamhardih, Raipur, District Raipur Chhattisgarh.,
District : Raipur, Chhattisgarh
2. Bittu Jagat S/o Manohar Jagat Aged About 26 Years R/o Street No. 2,
Shakti Nagar, Police Station Khamhardih, Raipur, District Raipur
Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Khamhardih, Raipur , District Raipur Chhattisgarh., District : Raipur,
Chhattisgarh

---- Respondent

MCRC No. 9394 of 2021

Ravi Jagat S/o Late Ramlal Jagat, Aged About 27 Years R/o. Shakti
Nagar, Khamhardih, Tahdil And District Raipur Chhattisgarh, District :
Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through - Station House Officer, Police
Station Khamhardih District Raipur Chhattisgarh, District : Raipur,
Chhattisgarh

---- Respondent

For Respective Applicants : Shri Mayank Chandrakar, Shri C.R.
Sahu, Advocates

For Non-applicant : Shri Anil Tripathi, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

08/12/2021

1. Applicants have filed these applications under Section 439 of Cr.P.C. for grant of regular bail as they have been arrested in connection with Crime No.119/2020 registered at Police Station-Khamhardih, Raipur, District- Raipur (C.G.) for the offence punishable under Sections 294, 307, 506, 147, 302 & 120-B IPC of IPC.
2. Case of prosecution is that on 23.8.2021 at about 10:30 p.m., applicants along with four other co-accused persons after forming unlawful assembly have attacked upon Dinesh Baghel, Chintu Baghel and Phulchand Bagh. In the assault, Phulchand Bag suffered internal injury and died. Incident was reported to concerned police station, based upon which, initially offence was registered under Sections 294, 307, 506, 147 IPC was registered. After death of Phulchand, offence under Section 302 IPC was added. Some of the applicants were arrested whereas, applicant Santosh @ Sam Dandi and Bittu Jagat surrendered on 28.7.2021. Applicant- Ravi Jagat was arrested on 25.8.2020.
3. Learned counsel for the applicants submit that applicants have not participated in the alleged offence in any manner. Offence was reported to concerned police station immediately on the same day. Statement of witnesses were recorded on 24.8.2020

but they have not named applicants Santosh Tandi and Bittu Jagat in their statements. Their names have been taken by witnesses subsequently in their statement recorded on 25.8.2020. Hence, subsequent statements of the witnesses cannot be taken into consideration for considering the bail applications of the aforementioned applicants. They submit that the name of applicants have been taken by the witnesses subsequently which is afterthought to implicate them falsely. They also submit that some of the witnesses have been examined before the trial Court, wherein, witnesses have not levelled allegations against them. Out of four witnesses, only Chintu Baghel has taken the name of present applicants. Hence, the applicants may be enlarged on bail.

4. Learned counsel for the State opposes the submissions of learned counsel for the applicants and would submit that in the statements recorded under Section 161 of Cr.P.C. on 25.8.2021 i.e. the second day of the incident, the witnesses have stated the name of present applicants also to have participated in commission of alleged crime. Chintu Baghel is one of the eyewitness to the incident who specifically stated that the applicant also along with other co-accused persons participated in the instant crime causing death of Phulchand. Hence, applicants are not entitled to grant of bail.
5. I have heard learned counsel for the parties.

6. Taking into consideration the facts and circumstances of the case, nature of allegations, the manner in which the incident has taken place in which Phulchand Bagh died due to injury, statement of Chintu recorded before the trial Court, I do not find these to be fit cases for grant of bail to applicants.
7. Both the applications are accordingly rejected.

Sd/-
(Parth Prateem Sahu)
Judge

Praveen