

**M.Cr.C. No.12098/2017**

(Hari Singh & Anr. Vs. State of M.P.)

**Jabalpur, 31.10.2017**

Shri H.S. Dubey, learned Senior counsel with Shri Abhinav Dubey, learned counsel for the applicants.

Shri Vivek Mishra, learned G.A. for respondent-State.

Shri Richard Rahul Rajoor, learned counsel for the objector.

Heard.

This is first bail application filed on behalf of the applicants under Section 439 of the Code of Criminal Procedure.

The applicants are in custody since 10.04.2017 in connection with Crime No.34/2017 registered at Police Station Mandi, District Sehore (M.P.) for the offence punishable under Section 302 read with Section 34 of IPC.

Allegedly, on 02.02.2017, at about 01:00 p.m., deceased Chandar Singh, was returning from the Bank on his motorcycle bearing registration no. M.P.-37-MJ-0873, behind him, his brother was also going in his Maruti Car. When deceased Chandar Singh reached on old bridge, a Bolero Jeep of white color was standing and from that car, applicants and co-accused Jatal Singh and Shriram Raghuvanshi came out with intention to kill the deceased. Applicant No.2 Rambharos inflicted injury to Chandar Singh on his head with Tami, then he fell down

from his motorcycle, thereafter, they took the deceased and thrown inside the Bolero Jeep. In the meanwhile, brother of the deceased, complainant Rajendra Singh ran away towards village and immediately came with some persons then he saw that near Babool tree and palm tree, accused ran Bolero Jeep bearing registration no. M.P.37-T-0774 over the deceased and tried to escape from the spot but, that vehicle got trapped in the Babool tree and palm tree, thereafter, they came down from the vehicle and then co-accused Jatal Singh and Ram Singh ran away towards river and applicants fled away towards Sonda by Scooty brought by their father Kamal Singh. After the incident, deceased was brought to the hospital where doctor declared him dead.

Learned counsel for the applicants contends that the applicants are innocent, they have been falsely implicated in this case. Applicants have not committed any offence. There is no specific allegation against them. It is further submitted that co-accused Kamal Singh has been released on bail. It is also submitted by learned counsel for the applicants that the applicants are ready to furnish bail as per the order, abiding with all conditions imposed by the Court. On these grounds, learned counsel for the applicants prays for grant of bail to the applicants.

Per-contra, learned Government Advocate and learned counsel for the objector oppose the bail application.

I have gone through the case diary and evidence collected

by the Police, co-accused Kamal Singh has been released on bail as his name has not been mentioned in the FIR. His name has been mentioned subsequently in the statement of witnesses. On that ground he has been released on bail.

Thus, looking to whole facts and circumstances of the case, allegation against the applicants, gravity and seriousness of the offence and the way of committing offence, I am not inclined to enlarge the applicants on bail.

Accordingly, this application under Section 439 of Cr.P.C. on behalf of applicants **Hari Singh** and **Rambharos**, is hereby dismissed.

**(H.P. Singh)**  
**JUDGE**

**GT**

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