

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3909 OF 2015**

Harinath S/o Khunkhun Nishad Aged about 62 years, R/o Village Jatari P.S. & Tahsil Poussor, Civil & Revenue District Raigarh (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Police Station Pousour District Raigarh (C.G.)

---Non-applicant

For Applicant	:	Mr. Vinit Kumar Pandey, Advocate.
For-Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 116/2014, registered at Police Station Poussor, Distt. Raigarh (C.G.), for the offence punishable under Section 302/34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, applicant and other co-accused persons have murdered their brother-Kartik Ram on 07/09/2014 and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that prosecution witness namely Dhansay has not supported the case of the prosecution and co-accused-Veer Singh has assaulted the deceased. He would further submit that no useful purpose

would be served by keeping him in jail. He would lastly submit that charge sheet has been filed and applicant is in jail since 16/09/2014 therefore, he may be released on bail.

4. On the other hand, learned State counsel by referring to the statement of Tej Kumar and Shrawan Kumar submits that it is applicant and co-accused-Veer Singh who have assaulted the deceased by spade and therefore, applicant is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; statement of the prosecution witnesses and the manner, in which, deceased is alleged to have been murdered, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE