

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4235 OF 2015**

Mohan Singh S/o Gurudayal Singh, Aged about 50 years, R/o Q. No. 20/A,
Street No. 54, Balaji Nagar, Khursipar, P.S. Khursipar, District Durg (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through P.S. Khursipar, Durg (C.G.)

---Non-applicant

For Applicant	:	Mr. Maneesh Sharma, Advocate.
For-Non-applicant	:	Mr. Ramakant Mishra, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**24/08/2015**

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. 123/2015, registered at Police Station Khursipar, District Durg (C.G.), for the offence punishable under Sections 302, 34, 114 of Indian Penal Code & 25, 27 of Arms Act.

2. Case of the prosecution, in brief, is that, applicant along with other two co-accused persons murdered deceased namely S. Laxman @ Lacchu by knife on 12/04/2015 at about 11.00 p.m. and thereby committed aforesaid 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 applicant is not abater as he was only walking on the said place along with dog and therefore, Section 114 of the I.P.C. is not applicable. He would lastly submit that applicant is in jail since

14/04/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that eye witnesses namely Sanjeev Kumar Singh, Devendra Reddy and Sahid Khan have confirmed the presence of the present applicant abating commission of offence/murder.

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; role of the present applicant in offence in question; statements of the eye witnesses namely Sanjeev Kumar Singh, Devendra Reddy and Sahid Khan and the extent of abatement made by present applicant, 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