

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MISC. CR. CASE NO. 4685 OF 2015**

Samaylal, son of Bhelaram (@ Melaram) Dhruw, aged about 21 years; residents of village Naik Tand, Latuwa Police Station Baloda Bazar, Revenue and Civil District Baloda Bazar/ Bhatapara (Chhattisgarh).

---Applicant**Versus**

State of Chhattisgarh, through the Station House Officer, Police Station Baloda Bazar, Revenue and Civil District Baloda Bazar/Bhatapara (Chhattisgarh)

---Non-applicant

For Applicant	:	Mr. Santosh Sahu, Advocate.
For-Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/09/2015**

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. 109/2015, registered at Police Station Baloda Bazar, Revenue and Civil District Baloda Bazar/Bhatapara (Chhattisgarh), for the offence punishable under Sections 302 & 201 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that, on 03/04/2015 applicant along with other co-accused caused murder of Bhulau Paikara by wooden stick 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 this case. He

would further submit that there is no evidence to connect the applicant in offence in question. 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 04/04/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail.

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; recovery of wooden stick pursuant to the memorandum of present applicant and other evidence available on record, 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