

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6241 of 2015

Munna Sagarvanshi @ Ram Kumar S/o Moti Lal Sagarvanshi Aged About 44 Years R/o Village Teela, P. S. Gobara Nayapara, District - Raipur (C. G.), At Preent R/o Dr. Upadhyay Badi, Sirsa Road Kohka, Arya Nagar, P. S. Supela, Tahsil And District - Durg (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : The District Magistrate, Durg (Chhattisgarh).

---- Respondent

For Applicant	:-	Mr. N.S. Dhurandhar, Advocate
For Respondent /State	:-	Mr. O.P. Sahu, Government Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

23/11/2015

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. 423 /2015 registered at Police Station – Supela, District- Durg (C.G.) for the offence punishable under Sections 302 of IPC.
2. As per prosecution case, the applicant used to work as a watchman in the farm house of one Harish and he used to reside in the house adjacent to the farm house. It is alleged that the applicant was habitual drunker and the Munshi of the farm usually made complaint to the owner regarding the activity of the applicant , the owner of the farm terminated the service of the applicant and appointed the deceased Ravi as a new watchman. After one month of which on 18.06.2015 the applicant met the deceased Ravi and on the next day, the dead body of the deceased was found in the

adjacent house of the farm house. On being suspicion over the applicant the owner of the farm house reported the matter to the police on investigation the memorandum of the applicant was recorded and offence under section 302 of IPC was registered against the applicant.

3. Counsel for the applicant submits that there is no any eyewitness is present nor the last scene theory together is available with the prosecution. He further submits that only on the basis of memorandum of other co-accused the applicant was arrested and a club was seized which was used for commission of offence and therefore, the applicant may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Having regard to the fact that only on the memorandum of the other co-accused a club was seized from the applicant and the applicant is in jail since 21.06.2015, without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge

