

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6875 of 2015

Shanker Singh S/o. Babulal, Aged about 35 years, R/o. of village Usad, Police Station and Tahsil Marwahi, Civil and Revenue District Bilaspur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through – the Station House Officer, out post Kada, Police Station Jhagrakhand District – Korea (C.G.)

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. Ramakant Mishra, Dy. Adv. General

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 72/2015 registered at Police Station- out post Koda, Police Station Jhagrakhand, District – Korea (C.G.) for the offence punishable under Sections 302, 201 r/w 34 of IPC.
2. As per the prosecution case, on the mere intimation of Shiv Prasad Yadav, it is alleged that Ramsingh assaulted the deceased Mulchand Yadav with the axe and committed murder. Subsequently on the investigation it was found that Ramsingh alongwith other co-accused have caused death of the deceased and in order to make disappearance of the dead body they threw the dead body of the deceased near the canal.

3. Counsel for the applicant submits that the main allegation is attributed to Ramsingh and he caused the death of the deceased by axe. He further submits that there is no eye-witness and the axe was recovered from the possession of Sunder Singh to whom the axe was given by Ramsingh and no offence is available against the present applicant and therefore, considering the role played by the applicant he may be enlarged on bail.
4. Per contra State counsel opposes the prayer for grant of bail.
5. Having regard to the fact and the main allegation is upon the accused Ramsingh and considering the gravity of offence and the manner in which the offence was committed and taking into account the fact that the charge-sheet has been filed, I am inclined to release the applicant on 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.

Sd/-
(Goutam Bhaduri)
Judge