

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6969 of 2015

Reman Kumar Jangade, S/o Kriparam Jangade, Aged About 30 Years,
R/o Village - Tarda, Police Station - Urga, Civil & Revenue District - Korba
(Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -
Urga, District - Korba (Chhattisgarh)

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/12/2015

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.150/2015, registered at Police Station- Urga, District Korba (C.G.) for the offence punishable under Sections 302, 120-B, 34 of Indian Penal Code and Section 3(2)(5) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.
2. As per the prosecution case, in brief, on 23.05.2015 Bansi Lal Jangade was murdered and it is the case of the prosecution that Bansi Lal Jangade was murdered by the other co-accused Gendram @ Mundul after conspiracy was hatched alongwith this applicant, as the applicant Reman Kumar Jangade who was related to the deceased took Bansi Lal Jangade with him; thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has only been inculpated on the memorandum statement of the co-accused wherein it is stated that the deceased Bansilal Jangade was taken by the applicant whereas the mother of the deceased Reshma Bai Jangade has stated that the deceased Bansilal Jangade went with Reman and subsequently he returned and again he went alongwith one Manoj Kenwat, therefore, the last seen theory cannot be applicable.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the mother of deceased Smt. Reshma Bai and one Bundram Patel. According to the statement of Bundram, the applicant was last seen as he came to his Thela alongwith the deceased and Reman Kumar Jangade went out after purchasing Chicken Chilly and subsequently, he came to know that some death is caused. Taking into such statement of last seen theory alongwith memorandum and thereafter the dead body was recovered, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge