

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3015 OF 2015**

Situ @ Laxman Khute, son of late Garib Ram Khute, aged about 20 years,
Occupation Student and Labour, R/o village Dahida P.S. Kosir, Tahsil
Sarangarh, District Raigarh (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station
Kotraroad, District Raigarh (C.G.)

---Non-applicant

For Applicant	:	Mr. B.M.K. Bajpayee and Ms. Sangeeta Mishra, Advocate.
For-Non-applicant	:	Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****25/08/2015**

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. 187/2014, registered at Police Station Kotraroad, District Raigarh (C.G.), for the offence punishable under Sections 302, 460, 404, 201/34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, in the intervening night of 09-10/07/2014 present applicant and three other co-accused persons murdered Tarachand and his wife Devmati and dishonestly misappropriated property possessed by the deceased.

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 no recovery has been made and

applicant has been arrested belatedly on 17/11/2014. He would further submit that there is no evidence to connect the applicant in offence in question. He would lastly submit that charge sheet has been filed and applicant is in jail since 17/11/2014, 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; role of the present applicant in offence in question and the manner in which Tarachand and his wife was murdered and property held by them was dishonestly said to be misappropriated by the applicant and other co-accused persons, 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