

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3022 OF 2015**

1. Ashish Bargah son of Ram Gopal Bargah, aged about 21 years,
2. Girish Bargah, son of Badri Prasad Bargah, aged about 25 years,
3. Dishan Bargah @ Golu Bargah, son of Yogendra Singh Bargah, aged about 23 years

All R/o Village Nagoi, P.S. Sarkanda, District Bilaspur (C.G.)

---Applicants

Versus

State of Chhattisgarh, Through The S.H.O. Police Station Sarkanda, District Bilaspur (C.G.)

---Non-applicant

For Applicants	:	Mr. B.M.K. Bajpayee and Ms. Sangeeta Mishra, Advocate
For Non-applicant	:	Mr. Neeraj Jain, 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 applicants who have been arrested in connection with Crime No.52/2015, registered at Police Station Sarkanda, District Bilaspur (C.G.), for the offence punishable under Section 302 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, present applicants have murdered Ramswaroop on 12/02/2015 at about 9 p.m. and thereby committed offence.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in offence

in question. He would further submit that stone has been recovered after 15 days on the memorandum of applicant No. 2. He would further submit that no injury which has been said to have received by stone has been found on the body of deceased and no FSL report finding blood in the stone. He would lastly submit that charge sheet has been filed and applicants are in jail since 10/03/2015 therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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 applicants in offence in question; the manner in which deceased is said to have been murdered by applicants and recovery of stone, this Court is not inclined to release the applicants 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