

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5835 of 2015

1. Jageshwar Nagvanshi, S/o. Kheli Nagvanshi, Aged About 65 Years, R/o. Vill. Madmada, P.S. Pandatarai, Tehsil Pandaria, Distt. Kabirdham (Chhattisgarh)
2. Lachhan Bai Nagvanshi, W/o. Jageshwar Nagvanshi, Aged About 55 Years, R/o. Vill. Madmada, P.S. Pandatarai, Tehsil Pandaria, Distt. Kabirdham (Chhattisgarh)
3. Shriram Nagvanshi, S/o. Rameshwar Nagvanshi, Aged About 45 Years, R/o. Vill. Madmada, P.S. Pandatarai, Tehsil Pandaria, Distt. Kabirdham (Chhattisgarh)

. ---- Applicants

Versus

State Of Chhattisgarh, Through: Station House Officer, P.S. Pandatarai, Distt. Kabirdham (Chhattisgarh)

---- Respondent

For Applicant : Mr. Ajay Ayachi, Advocate

For Respondent : Mr. O.P.Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.46/2015 registered at Police Station- Pandatarai, District Kabirdham (C.G.) for the offence punishable under Section 302, 201 of Indian Penal Code.
2. Case of the prosecution is that on 03.06.2015 one Shambhi Ram has lodged a complaint that his sister Budhawara Bai was married to Aatma Ram 10 years ago and Aatma Ram committed murder of his sister Budhawara Bai since he was having illicit relation with one Revti Bai. Subsequently, as per the prosecution, Aatma Ram

called father, mother and cousin brother and thereafter they went with the body of the deceased Budhawara Bai to the Hospital.

3. Learned counsel for the applicants submits that the principle allegation of murder is against Aatma Ram about the throttling and at the most disappearance of the evidence can be attributed to this applicant who brought the body of the deceased and ultimately he was not a party to the homicide.
4. Per contra, learned State counsel opposes the prayer for grant of bail. However, he would submit that the primary allegation is against Aatma Ram and the allegation leveled against these applicants are that they tried to suppress the evidence.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the main allegation is against Aatma Ram and against these applicants the allegation of disappearance of evidence has been made and taking into account the submissions made, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge