NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6517 of 2015

Jodhi Ram S/o Dayali Ram Gond Aged About 60 Years R/o Village Vimalapur, Police Outpost Dindo, P.S. Trikunda, Distt. Balrampur Ramanujganj, Civil Distt. Surguja, Rev. Distt. Balrampur, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through P.S. Trikunda, Distt. Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant :- Shri A.K. Prasad,Advocate
For Respondent/ State :- Shri O.P. Sahu, Government Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

01/12/2015

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. 31/2015 registered at Police Station- Trikunda, District – Balrampur Ramanujgunj (C.G.) for the offence punishable under Sections 302/34 of IPC.

2. As per prosecution case in brief is that on the intervening night of 07.08/06/2015 this applicant alongwith other co-accused namely Nanho has committed murder of deceased Shivnarayan by giving axe blow. Subsequently, a report was lodged and during the course of investigation police has arrested the applicant.

3. Counsel for the applicant submits that there is no evidence available against the present applicant and only on the basis of memorandum of other co-accused Nanu, the applicant was arrested. He further submits that no recovery was made from this

present applicant and therefore, no virtually evidence is available against him and therefore, he may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Having regard to the fact that only on the basis memorandum of other co-accused Nanhu the applicant was arrested and no recovery has been made from him and without any observation on merit for the purpose of bail, this Court is of the opinion that it is a fit case where the applicant can be released 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.

8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Santosh