

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6763 of 2015

Chandrakant Chandrakar, son of Shankarlal Chandrakar, aged about 25 years, resident of village Sukhatal, Outpost Khandsara, Police Station Bemetara, District Bemetara (C.G) ... **Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, Incharge Outpost Khandsara, Police Station Bemetara, District Bemetara (C.G).
... **Respondent**

For the applicant	:	Mr. Vipin Singh, Advocate.
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.12.2015

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 87/2015 registered by Police Outpost, Khandsara, P.S. Bemetara, Distt. Bemetara (C.G) for the offences punishable under sections 302, 147, 148 & 149 of IPC.
2. As per the prosecution case, the applicant along-with other accused developed animosity and committed murder of one Ghanshyam on 07.02.2015 by tying him with a wooden pole by electric wire and by assaulting him by way of club as earlier deceased Ghanshyam has committed murder of Chhamman who was related to the applicants. After filing charge sheet, eye witnesses have been examined.
3. Learned counsel for the applicant submits that the eye witnesses have been examined and they have not supported the case of prosecution and named this applicant as Chandrakant Chandrakar. He further and submits that similarly placed co-accused have been enlarged by this Court in M.Cr.C.No.4335/2015, therefore, being in parity with the case of other co-accused who have been enlarged on bail, this applicant may also be released on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that on the memorandum of this applicant, a mobile phone of the deceased was seized from the possession of this applicant which is still to be appreciated by the Trial Court and therefore, it is not a fit case to enlarge the applicant on bail.
5. Perused the case diary. From the possession of this applicant the sleepers of deceased and also a mobile of deceased, were seized.
6. Therefore, considering the seizure made from the applicant and further considering the other connected evidence, I am of the view that those facts and circumstances have to be appreciated by the Trial Court at the time of final hearing. The same cannot be evaluated at the stage of bail. Therefore, I am not inclined to release the applicant on bail.
7. Accordingly, this application is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**