

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3956 of 2016

Nandhari @ Sunildhari, S/o. Vidhun, aged about 19 years, R/o. Kushu, Barpara, P.S. - Darima, District – Sarguja (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : the Station House Officer, Police Station Gandhi Nagar, Ambikapur, District – Sarguja (C.G.)

---- Respondent

For Applicant	:	Mr. Jitendra Shrivastava, Advocate
For Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

22/07/2016

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. 242/2015, registered at Police Station- Gandhi Nagar, Ambikapur, District – Sarguja (C.G.) for the offence punishable under Section 302 & 201/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Jageshwar died on 23.02.2015. The body was subjected to postmortem and it was revealed that he died because of throttling. Subsequently, the FIR was registered on 23.11.2015. It is the case of the prosecution that the applicant along-with other co-accused have confessed to have killed Jageshwar, thereby the offence has been committed.

3. Learned counsel for the applicant submits that neither any eye witnesses is available nor any circumstantial evidence supports the interrogation. He further submits that only on the basis of presumption and the confession to police, the applicant has been falsely implicated in this case. He further submits that charge-sheet in this case has been filed and the applicant is in jail since 30.11.2015. It is further submitted that similarly situated co-accused persons in this case have been enlarged on bail by this Court in M.Cr.C. No.2928/2016 vide order dated 16.06.2016, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties.
6. Perused the case diary and the statement of the witnesses. Perusal of the statement of the wife of the deceased and the statement of the witness, shows that the applicant has been interrogated on the circumstantial evidence and no eye witnesses have been named by police. Considering the confession in presence of police which is subject of adjudication and taking the evidence available and further considering the fact that similarly placed co-accused persons in this case have been enlarged on bail M.Cr.C.No.2928/2016 vide order dated 16.06.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge