

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3941 of 2016

1. Balam S/O Narsingh Sahu Aged About 43 Years R/O Loharidih At Present Raingakhar Naya Bada, Tehsil Bodla, Civil & Revenue District Kabirdham, Chhattisgarh
2. Lokchand @ Loman S/O Lalaram Aged About 18 Years R/O Loharidih At Present Raingakhar Naya Bada, Tehsil Bodla, Civil & Revenue District Kabirdham, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through : Police Station Raingakhar, District Kabirdham, Chhattisgarh

---- Respondent

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MCRC No. 4266 of 2016

- Laxman Ogre S/O Chaitu Ogre Aged About 26 Years R/O. Naya Bada, P.S. Rengakhar, Distt. : Kabirdham Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Rengakhar, Distt : Kabirdham Chhattisgarh

---- Respondent

For Applicants in M.Cr.C. : Mr. P.P. Sahu, Advocate
No.3941 of 2016

For Applicant in M.Cr.C. : Mr. Ajay Ayachi, Advocate.
No.4266 of 2016

For Respondent/State : Mr. Neeraj Ku. Sharma, Dy.G.A
Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01-08-2016

1. Since both the aforesaid two bail applications are in similar nature which arise out of same Crime No. 11 of 2016, they are heard analogously and are being disposed of by this common order.
2. These are first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who

have been arrested on 31-8-2015 and 6-4-2016 in connection with Crime No. 11 of 2016, registered at Police Station Chhawani Bhilai, District Durg (in M.Cr.C.No. 3919 of 2016) and PS Rengakhar, District Kabirdham (CG) (in M.Cr.C.No. 4266 of 2016) for the offence punishable under Sections 302, 201, 120-B of the of the IPC in M.Cr.C.No.4266 of 2016 and under Section 379 of the IPC in M.Cr.C.No. 3919 of 2016.

3. As per prosecution case, in the intervening night of 28 & 29-3-2016 a dead body of unknown person was found in the pond and a report was made by one Bisahu and during merg investigation only applicant Laxman was arrested and it was revealed that Laxman was given Rs.5000/- to ask Ganesh to visit the house of Balram and Lokchand and when Ganesh went to the house of Balram and Lokchand as there was certain dues which were to be paid to Ganesh for mason work. Thereafter Ganesh was killed and on earlier occasion a dispute arose in between Ganesh and Balram regarding payment and thereafter all the applicants along with another co-accused Anjurdas took away the dead body in a bag and threw it nearby the pond and thereby the aforesaid offence was committed.
4. Learned counsel appearing for the applicants would submit that on the basis of memorandum of Laxman, applicant Balaram has been inculpated and no recovery has been made. Neither seen of circumstances pointed out that the applicants have committed the crime. They would further submit that charge-sheet has been filed, the applicants are in jail since 31-8-2015 and 6-4-2016 and no further evidence is required, therefore, the applicants may be enlarged on bail.

5. On the other hand, learned State counsel opposes the prayer for grant of bail.
6. I have heard learned counsel for the parties and have also perused the case diary and the documents from which it appears that on the basis of memorandum of applicant Laxman, applicant Balram and other co-accused have been inculpated.
7. Taking into consideration the facts and circumstances of the case and considering the fact that no recovery has been made from the applicants and also the fact that the charge-sheet has been filed, the applicants are in jail since 31-8-2015 and 6-4-2016, I am inclined to release the applicants on bail.
8. Accordingly, the bail applications filed by the applicants under Section 439 of the Cr.P.C. are allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju