

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2731 of 2016

Bablu @ Tuleshwar Yadav, S/o. Chhattar @ Dudhnath Yadav, Aged About 19 Years, R/o. Village : Patkura, Police Station : Lakhanpur, Tahsil : Lakhanpur, Revenue & Civil District : Surguja, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station : Lakhanpur, District : Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushpendra Kumar Patel, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/06/2016

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.210/2015 registered at Police Station- Lakhanpur, District Surguja (C.G.) for the offence punishable under Section 302, 201, 366, 376 (क)(घ) of Indian Penal Code and under Section 3(2-5) of Scheduled Caste & Scheduled Tribes Act.
2. Case of the prosecution, in brief, is that, on 14.12.2015 a report was made by Samar Sai that her aunt Bholi Bai was found dead in the village and after investigation, it was disclosed that she was subjected to rape and by inserting the wood in the private part, she was murdered.
3. Learned counsel for the applicant submits that there is no evidence against this applicant and only on the basis of memorandum, he has been inculpated; therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that as per the prosecution case and the statement of Sukhdev Ram and Jagat Ram, the applicant along with other co-accused was seen in the company of the deceased before the incident and thereafter she was found dead.
5. Considering the evidence of last seen prima facie available against this applicant, which is to be adjudicated by the trial Court and further looking to the facts and circumstances of the case, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge