

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4578 of 2016

- Chaman Harijan S/O Karman Harijan Aged About 45 Years R/O Sukri, Bazarpara, P.S. Gandhi Nagar, Distt. Sarguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Gandhi Nagar, Ambikapur, Distt. Sarguja Chhattisgarh

---- Respondent

For Applicant : Mr. Jitendra Shrivastva, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-08-2016

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 on 30-11-2015 in connection with Crime No. 242 of 2015, registered at Police Station Gandhi Nagar, Ambikapur, District Sarguja (CG) for the offence punishable under Sections 302 and 201/34 of the IPC.
2. Case of the prosecution, in brief, is that one Jageshwar died on 22-3-2015 and his body was subjected to post-mortem and it was revealed that he died because of throttling. Subsequently, FIR was registered on 23-11-2015. It is further case of the prosecution that the applicant confessed to have killed Jageshwar and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the case of the present applicant is similar to the case of other co-accused persons who have been granted bail by this Court vide order dated 16-6-2016 passed by this Court in M.Cr.C.No. 2928 of

2016, therefore, the applicant may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to the case of other co-accused persons who have been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perusal of the statements of Dharamlal and Jagannath, on whom the State counsel relies, shows that while applicant has been interrogated by Police, he was in the police custody and he confessed the crime before Police.
7. Taking into consideration the facts and circumstances of the case and *prima facie* considering the confession made in custody of Police, further taking the evidence available on record that there is no eye-witness to the incident and also further considering the fact that similarly placed co-accused persons have been granted bail, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju