

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7709 of 2015

- Parganiha Kurre, s/o Rupchand Satnami, aged about 55 years, r/o Village Nandvay, P.S. Dhamdha, Tahsil Dhamdha, Civil and Revenue District Durg (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through: S.H.O., P.S. Dhamdha, Civil and Revenue District Durg (C.G.)

----Non-applicant

For Applicant: Mr. Alok Bakshi, Advocate.
For Respondent/State: Mr. Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/02/2016

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 131/2015 registered at Police Station Dhamdha, District Durg for the offence punishable under Section 302/34 & 120-B of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 4.7.2015 applicant & one person namely Bahalram murdered Santlal (since deceased) by axe and thereby committed the aforesaid

offences.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as he has not committed any offence and it is Bahalram, who has committed murder of deceased Santlal and, as such, it is a false case, in which applicant has been arrested on 20.08.2015; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that pursuant to the memorandum of the applicant, axe, the weapon of offence has been recovered from the place where murder is said to have been committed and, therefore, applicant is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; and the material collected by the prosecution against the applicant, particularly recovery of axe, which was used in the offence in question, from the applicant, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

