

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6473 of 2016

1. Topram Kumhar, S/o. Dhani Ram, aged about 32 years, R/o. Village-Kolda, Chowki – Bundeli, Police Station – Tendukona, District – Mahasamund (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Tendukona, District – Mahasamund (C.G.)

---- Respondent

For Applicant	: Mr. Vikash Pradhan, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/11/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.64/2016, registered at Police Station – Tendukona, District – Mahasamund (C.G.) for the offence punishable under Section 302, 201, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that in the intervening night of 03-04/06/2016, deceased Yadram, who is elder brother of the applicant entered into a dispute with his father, Dhaniram. Dhaniram initially assaulted the deceased by a club, which the present applicant tried to intervene. Subsequently, the father, Dhaniram assaulted the deceased, Yadram by way of chopper on his neck, whereby Yadram died. Thereafter, the applicant threw away the dead body with the help of Dhaniram to the different place. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the main allegation of killing is on Dhaniram, who is father and the allegation against the present applicant is that he tried to make disappearance of the evidence. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 19.09.2016, therefore, the counsel prays that the applicant may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents and the memorandum also. The main allegation of assault is against Dhaniram. Considering the facts and circumstances of the case and the allegation levelled against the applicant that he tried to make disappearance of the evidence and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 06.06.2016, 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