

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 537 of 2016**

Brijbihari, son of Ramsai Gond, aged about 51 years, resident of Village-Ghutrapara, Rajkheta, Police Station-Basantpur, Revenue District Sarguja, Balrampur-Ramanujganj (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through: Station House Officer, Police Station-Basantpur, District-Balrampur-Ramanujganj (C.G.)

-----Non-applicant

For Applicant: Mr. D.N. Prajapati , Advocate.
For Non-applicant/State: Mr. Neeraj Kumar Sharma, Dy. GA

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/02/2016**

(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. 105/2015 registered at Police Station Basantpur, District Balrampur-Ramanujganj for the offence punishable under Section 302 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 6.10.2015 applicant has murdered his brother Awadh Bihari and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has been falsely implicated in the offence in question as the applicant has not assaulted the deceased by any weapon and on account

of some quarrel took place between the two brothers, deceased suffered heart attack and due to which, he died. He further submits that the applicant is in jail since 8.10.2015; 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 opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case and the nature of allegation made against the applicant and the manner in which the offence is said to have been committed, I am not inclined to release the applicant on bail. Thus, the bail application is rejected. However, the trial Court is directed to conclude the trial expeditiously preferably within a period within a period of four months from the date of receipt of copy of this order.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-