

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1100 of 2016**

Somprakash, S/o Kanhaiya Lal Dewangan, aged about 25 years, R/o Village Kurra, Police Station Bhakhara, Civil and Revenue District Dhamtari (C.G.)

---- Applicant

Versus

State Of Chhattisgarh: Through : Station House Officer, Police of Police Station – Bhakhara, District Dhamtari (C.G.)

-----Non-applicant

For Applicant: Mr. Anil Gulati, Advocate.
For Non-applicant/State: Mr. Dhiraj Kumar Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/03/2016**

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. 192/2015 registered at Police Station –Bhakhara, District-Dhamtari for the offences punishable under Sections 364,201,120(B),302 r/w 34 of the Indian Penal Code and Section 25 of Arms Act and Section 3(2)(v) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.

(2) Case of the prosecution, in brief, is that on 4.10.2015 at about 12.30 p.m., deceased Kamlesh Gayakwad was missing

and as per the prosecution case, Kamlesh was taken away by the applicant and other co-accused persons and committed his murder and thereafter tried to cause disappearance of evidence.

(3) Counsel for the applicant submits that only allegation against the applicant is that he has tried to cause disappearance of evidence and the entire allegations of causing murder are against co-accused Sanjay and Churaman. He further submits applicant is in detention since 20.10.2015 and the similarly situated co-accused Anil Bansor has already been released on bail by this Court in M.Cr.C. No.7455/2015 decided on 6.1.2016 and, therefore, the applicant may also be released on bail on the ground of parity.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have heard counsel for the parties and perused the case diary.

(6) Taking into consideration the facts & circumstances of the case; role of the present applicant in the offence in question; his pre-trial detention; similarly situated co-accused has already been released on bail by this Court; and considering the fact main allegation of murder is against the co-accused persons namely Sanjay and Churaman; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(7) Accused/applicant- **Somprakash** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-