

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2928 of 2016

1. Dayashankar, S/o Sukhan, Aged About 25 Years, R/O Village Sukri, P.S Gandhi Nagar, Tahsil Ambikapur, District Sarguja, Chhattisgarh.
2. Devi Prasad Gupta, S/o Sobhit, Aged About 27 Years, R/O Village Sukri, P.S Gandhi Nagar, Tahsil Ambikapur, District Sarguja, Chhattisgarh.
3. Ram Prasad, S/O Balsai, Aged About 30 Years R/O Village Sukri, P.S Gandhi Nagar, Tahsil Ambikapur, District Sarguja, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through The Station House Officer, Police
Station Gandhi Nagar, Ambikapur, District Sarguja, Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Jitendra Shrivastava, Advocate
For Respondent/ State	:-	Mr. Neeraj Sharma Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

16/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 242/2015 registered at Police Station- Gandhi Nagar, Ambikapur District Surajpur C.G.) for the offence punishable under Sections 302 and 201/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Jageshwar died on 23.02.2015. The body was subjected to postmortem and it was revealed that he died because of throttling. Subsequently, the FIR was registered on 23.11.2015. It is the case of the prosecution that

the applicants have confessed to have killed Jageshwar, thereby the offence has been committed.

3. Counsel for the applicants submit that neither any eye witness is available nor any circumstantial evidence supports the interrogation. He further submits that only on the presumption and the confession to Police, the applicants have been falsely implicated in this case. He further submits that the charge-sheet has been filed in this case and the applicants are in jail since 30.11.2015, therefore, the applicants may be enlarged on bail.
4. Per contra State counsel opposes the prayer for grant of bail.
5. Perusal of the statement of the wife of the deceased and the statement of the witness, the applicants have been interrogated on the circumstantial evidence and no eye witnesses have been named by police. Considering the confession in presence of Police which is subject of adjudication and taking the evidence available, this Court is of the opinion, that present is a fit case, in which, the applicants should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge