

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3109 of 2016

- Sanju @ Sanjay Dewangan S/O Kanhaiya Lal Dewangan Aged About 28 Years R/O Village Kurra, Police Station Bhakhara, District Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Bhakhara, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 20-10-2015 in connection with Crime No. 192 of 2015 registered at Police Station Bhakhara, District Dhamtari (CG) for the offence punishable under Sections 364, 201, 120-(B), 302 read with Section 34 of the IPC, Section 25 of the Arms Act and Section 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atroities) Act.
2. As per prosecution case, on 4-10-2015 at about 12.30 pm deceased Kamlesh Gayakwad was missing and present applicant along with other co-accused persons took away the deceased to forest and thereafter the dead body of the deceased was found in the forest and subsequently the applicant with the help of co-accused persons tried to conceal the criminal evidence.
3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case. He would further submit that no evidence is available on record to connect the applicant with the crime in question, charge-sheet has been filed and the applicant is jail

since 20-10-2015 and no further investigation is necessary, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that according to the statement of the witnesses, deceased was last seen alive in the company of present applicant along with other co-accused persons and subsequently dead body of the deceased was found in the forest, therefore, theory of last seen is established against the applicant.
5. I have heard the counsel appearing for the parties and perused the case diary and documents.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and considering the statements of the witnesses as last seen theory still exists, at this stage I am not inclined to release applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju