

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 10 of 2016

Murlidhar Yadav, S/o. Shri Khema Shankar @ Manglu Yadav, aged about 19 years, R/o. Village-Chitkidand, Bansjor, Police Station and Tahsil – Dharamjaigarh, District – Raigarh (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station - Dharamjaigarh, Distt. - Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Amit Singh, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.01.2016

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 in connection with Crime No.314/2015, registered at Police Station– Dharamjaigarh, District – Raigarh (C.G.) for the offence punishable under Section 302, 201, 34 of IPC.
2. Case of the prosecution, in brief, is that one Badal Mallik was having love affair with Anita Yadav and they used to meet near a place named Dongaghat. On 19.10.2015, the deceased went to Dongaghat to see the said girl, at that time, the father of the girl, Khemshankar assaulted the deceased by way of stone on his head and thereafter, when he died with the help of this applicant the dead body was thrown into the place Nagarnala Pahad. Subsequently on investigation, the accused persons have been arrested and the case was registered.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He would further submit that the main allegation of murder is on Khemshankar, who is the father of the applicant and the only allegation against this applicant is of making disappearance of evidence has been made. He would further submit that charge-sheet in this case has been filed and the applicant is in jail since 22.10.2015, therefore, the counsel prays that the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the evidence and the documents. The allegation of making disappearance of evidence is against this applicant. The main allegation of commission of offence is attributed to the accused, Khemshankar, the father of the girl. Taking into the evidence against this applicant, 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 the applicant shall be released on bail on his furnishing a personal bond in the 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge