

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 232 of 2016

1. Prakash Yadav, S/o. Dhannulal Yadav, aged about 20 years,
2. Noklal Jangde, S/o. Ramdas Jangde, aged about 24 years,
Both R/o. Village Umarbahi, P.S. Dongargaon, District – Rajnandgaon
(C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police
Station – Dongargaon, Civil and Revenue District – Rajnandgaon
(C.G.)

---- Respondent

For Applicants : Mr. N.S. Dhurandhar, Advocate

For Respondent/State : Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.292/2015, registered at Police Station – Dongargaon, District – Rajnandgaon (C.G.) for the offence punishable under Section 302, 201, 147, 149, 120B of Indian Penal Code and Section 3 (2) (5) of Schedule Caste and Schedule Tribe Prevention of Atrocities Act.
2. Case of the prosecution, in brief, is that the applicants alongwith other co-accused have committed murder of Chaitram Gond, as he was abusing the applicants and the other co-accused, therefore, by way of scarf, he was strangled.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. He would further submit that

in this case neither the motive has been attributed nor any evidence, nor any circumstantial witnesses, nor any extra judicial confession is on record and it is the case of no evidence and only on the basis of memorandum statement of Kishore, who is co-accused of 17 years, these applicants have been inculpated. He would further submit that charge sheet in this case has been filed and the applicants are in jail since 18.10.2015, therefore, the counsel prays that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and he went through the statement of Kishore Singh and stated that as per memorandum statement, these applicants have been named that co-accused with the help of these applicants have committed murder of Chaitram Gond.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the memorandum statement of Kishore Singh. Perusal of the memorandum statement shows that the applicants have been named in the memorandum and subsequently scarf was recovered at the instance of Kishore Singh. No recovery has been made from these applicants and except the memorandum statement of the co-accused, no evidence is available against them and prima-facie it shows that confession has been made in the presence of the police. Taking the primary evidence, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge