

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 279 of 2016

Bhagwat Sahu, S/o. Late Govind Prasad Sahu, aged about 70 years, R/o. Village Loharsi (Son), Police Station and Post Masturi, Civil and Revenue District Bilaspur, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through P.S. Masturi, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Manoj Paranjpe, Advocate
For Respondent/ State	:-	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

28/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 221/2015 registered at Police Station- Masturi, District – Bilaspur (C.G.) for the offence punishable under Sections 302,307,109,120-B, 201 read with section 34 of Indian Penal Code and section 4 & 5 of Chhattisgarh Tonahi Pratadna Nivaran Act, 2005.
2. Case of the prosecution, in brief, is that a complaint was lodged on 25.07.2015 by the complainant Santoshi Sahu, daughter of deceased Sundri Bai that when the complainant with family members were taking meal at that time someone has knocked the door and when the door was opened some persons who had covered their face assaulted the complainant and thereafter her mother was killed inside. Subsequently, on investigation Bhrigu Kumar was arrested on the ground that he has caused death by

hatching conspiracy in conspiracy, as the deceased used to commit witchcraft on the family members. Thereby, the offence is committed.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that there is no evidence is available against this applicant and on the statement of Bhrigu Kumar and the other villagers it is stated that the *Gadasa* from which the assault was caused to the deceased was kept in the house of the applicant. He further submits that there is no allegation of conspiracy is alleged against this applicant and only the allegation is that Bhrigu Kumar and the other co-accused have stayed in the house of the present applicant for two days, for this reason the applicant has been inculpated in this case, therefore, the applicant may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement. Perusal of the case diary and the statement shows that the other co-accused have stayed in the house of this applicant for two days. Taking into the fact since direct allegation of conspiracy has not been alleged against this applicant. Considering the fact that the charge-sheet has been filed in this case and the applicant is in jail since 08.08.2015, I am inclined to release the applicant on 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 in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Santosh