

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 314 of 2016

- Ghanshyam Rathiya S/o Moti Ram Aged About 26 Years Occupation Farmer, R/o Village Budadand P.S. & Tah. Pathalgaon Distt. Jashpur Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Dharamjaigarh, Distt. Raigarh Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Vivek Pandey, Advocate
For the Respondent	:	Mr. Ramakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.01.2016

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 applicant who has been arrested in connection with Crime No.253/2015, registered at Police Station – Dharamjaigarh, District – Raigarh (C.G.) for the offence punishable under Sections 302, 201/34, 120-B of I.P.C.
2. Case of the prosecution, in brief, is that one Mohan Rathiya had developed relation with Bamleshwari, the deceased and because of the relation, she became pregnant, consequently, Mohan Rathiya committed murder of Bamleshwari and with the help of other co-accused and the present applicant, buried the dead body of Bamleshwari.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that entire allegation of murder is on the main accused, Mohan Rathiya and the allegation against this applicant is for causing disappearance of the evidence. He further submits that charge sheet in this case has been filed and the applicant is in jail since 26.10.2015, therefore, he

prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking in to the nature of the allegation levelled against this applicant i.e., causing disappearance of the evidence and the main allegation of murder is on the main accused, Mohan Rathiya and the fact that charge sheet in this case has been filed and the applicant is in jail since 26.10.2015, 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 applicant shall be released on bail on his 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 his appearance as and when directed.
9. Certified copy as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**