

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7615 of 2015

Mohd. Altaf S/o Mohd. Naseer Aged About 22 Years R/o Village
Kusmi, Police Station Kusmi, Civil & Revenue District Sarguja
Balrampur Ramanujganj (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Of
Police Station - Kusmi, District Balrampur Ramanujganj
(Chhattisgarh)

---- Respondent

For applicant - Shri Kishore Narayan, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/01/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 25/2015 registered in Police Station Kusmi, District Balrampur-Ramanujganj (C.G.) for offence punishable under section 302, 201/34 of Indian Penal Code.
2. As per the prosecution case on 29/03/2015 deceased Lalchand Kusmi while was watching Orchestra had altercation with the applicant and other co-accused. Thereafter, while deceased was returning he was intercepted by the applicant and other co-accused and he was strangulated and after causing murder dead body was packed in a bag and was thrown in Tarbandh Puliya.
3. Learned counsel for the applicant submits that there is no evidence is available against this applicant and no recovery too has been made and only recovery was made from the co-accused.
4. Learned State counsel opposes the prayer for grant of bail.
5. I have perused the case diary and the charge sheet. Case is based

on the circumstantial evidence. Recovery of bora (bag) was made at the instance of Abdul Mahfuj. Recovery of the bag was made and the confessional statement of the co-accused is also on record. The authenticity of such statement is still to be adjudicated. Perusal of the case diary would show that applicant has been apprehended after secret enquiry was made. After co-accused were arrested confessional statement was made. Taking into recovery made from the other co-accused, nature and the way the offence has been committed, taking into such consideration, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE