

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4854 of 2016

Gunda @ Kumar S/o Rasiya, Aged About 30 Years, Caste Nishad,
R/o Bilaigarh, P.S. Chandrapur, District Janjgir-Champa,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate, Janjgir
-Champa, Chhattisgarh

----Respondent

And

MCRC No. 4865 of 2016

Jaiprakash S/o Janak Ram @ Jhanak Ram, Aged About 24 Years,
Caste Nishad, R/o Bilaigarh, P.S. Chandrapur, District Janjgir
Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate, Janjgir
Champa, Chhattisgarh.

---- Respondent

For applicants - Shri V.C. Ottalwar and Shri Ishwar Jaiswal, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

24/08/2016

1. Both these bail applications are decided by this common order as they are arising out of the same crime number.
2. The applicants have preferred these applications for grant of bail as they are arrested in connection with Crime No.32/2016 registered in Police Station Chandrapur, District Janjgir-Champa (C.G.) for offence punishable under sections 302, 120-B/34 of Indian Penal Code.
3. As per the prosecution case, one Shyam Gopal was murdered on 24/04/2016. The offence was registered on the report of son of the deceased and primary allegations were attributed that one Ramu Nishad and others had dispute over distribution of water in the field and therefore

threat was extended. Consequently, Shyam Gopal was murdered by Ramu Nishad and others with the help of the applicants.

4. Learned counsel for the applicants submits that the applicants have not been named in the FIR and only they have been inculpated on the basis of memorandum and the club was recovered on 6/06/2016 after two months of the incident. Therefore, he submits that applicants have been falsely implicated in this case as no eye witness are present in this case, therefore the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perusal of the FIR would show that name of the applicants do not appear in the FIR. Considering the facts and circumstances of the case and also considering the fact that recovery of club was made after two months on the memorandum, this court is inclined to release the applicants on bail.

7. Accordingly, the bail applications are allowed and it is directed that the applicants shall be released on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE