

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5616 of 2016

- Ram Ratan S/o Sarthi Rana Aged About 45 Years Caste Nishad, R/o Bilaigarh, P.S. Chandrapur, District Janjgir - Champa Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through the District Magistrate, Janjgir - Champa Chhattisgarh --- **Respondent**

MCRC No. 5621 of 2016

- Janakram @ Jhanakram S/o Bodhram Aged About 36 Years Caste Nishad, R/o Bilaigarh, P.S. Chandrapur, District Janjgir- Champa Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through the District Magistrate, Janjgir- Champa Chhattisgarh. --- **Respondent**

For the applicants	:	Mr. Ishwar Jaiswal, Advocate
For the Respondent	:	Mr. Neeraj Sharma, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 320 of 2016 registered at P.S. Chandrapur, Distt. Janjgir Champa (C.G) for the offence punishable under Sections 302, 120-B/34 of IPC.
2. Since both these bail applications are arising out of the same crime number, they are decided by this common order.
3. As per the prosecution case, one Shyam Gopal was murdered on 24.4.2016. The offence was registered on the report of son of deceased and primary allegations are attributed to Ramu Nishad and others as the dispute took place for distribution of water in the field and as such Shyam Gopal was murdered.

4. Learned counsel for the applicant would submit that there is no eye witness in this case and only on the basis of memorandum, the applicants have been inculpated and recovery of clothes have been shown from the present applicants, therefore, the applicants have been falsely implicated in this case. He further submits that the charge sheet has been filed and no further evidence is required, therefore, the applicants may be enlarged on bail.
 5. He further submits that other co-accused Gunda and Jaiprakash have been enlarged on bail by this Court in M.Cr.C. Nos. 4854 & 4865 of 2016 on 24.08.2016 and the cases of the present applicants are also similar to that of co-accused who have been enlarged on bail, therefore, the present applicants may be enlarged on bail.
 6. Per contra, learned State Counsel opposes the bail.
 7. Perused the case diary and other documents.
 8. It appears that immediately after 3 days of the incident blood stained clothes were recovered from the present applicants, therefore, the evidence is existing against the applicants. Also perused the earlier order of bail granted to co-accused in M.Cr.C.Nos.4854 & 4865 of 2016. In such case the bail was granted on the ground that only club & lathi was recovered on 06.06.2016 i.e., after two months of the incident whereas in this case the recovery of clothes have been made on 27.04.2016.
 9. Considering such facts and circumstances of the case, I am not inclined to release these applicants on bail. Accordingly, both the bail applications are rejected.
- C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE