

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4493 of 2016

- Nand Kishore S/o Fagulal Yadav Aged About 25 Years
Occupation Driver, R/o Bayang, P.S. - Kotra Road, Raigarh,
Tahsil And Distt. Raigarh Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police
Station Kotraroad, Raigarh, Distt. Raigarh Chhattisgarh. ---
Respondent

For the applicant	:	Mr. Wasim Miyan, Advocate
For the Respondent	:	Mr. Neeraj Sharma, Dy. Govt. Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.09.2016

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. 56 of 2016 registered at P.S. Kotraroad, Distt. Raigarh (C.G) for the offence punishable under Sections 302 & 201 of IPC.
2. As per the prosecution case, on 01.03.2016 a dead body was recovered from the river and on 02.03.2016 it was identified as the dead body of Narmada Sidar. Subsequently it was found that the lady was missing from 15.02.2016 and on 18.03.2016 a memorandum was obtained, upon which, one Belcha from the possession of the applicant was recovered. It is alleged that one Choudhary has committed murder whereas the applicant has caused disappearance of evidence and as such the offence at the most would fall u/s 201 IPC.
3. Learned counsel for the applicant would submit that the allegation against this applicant is u/s 201 of IPC which is a bailable one and the main allegations of murder has not

been attributed to this applicant. He further submits that the charge sheet has been filed and the applicant is in jail since 18.03.2016. It is further submitted that similarly placed co-accused Sohit Lal Ratre has been released on bail by this Court in M.Cr.C.No.4314/2016, therefore, the present applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that similarly placed co-accused has been enlarged on bail by this Court.
5. Perused case diary documents.
6. Considering the nature of charges levelled against this applicant which primarily appears to be u/s 201 IPC as also the fact that charge sheet in this case has been filed; the applicant is stated to be in jail since 18.03.2016 as also the fact that similarly placed co-accused Sohit Lal Ratre has been enlarged on bail by this Court as mentioned above, I am inclined to release the present applicant also on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.C. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE