

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4731 of 2016

Bahoran Sahu, S/o. Fagnu Sahu, Aged About 55 Years, R/o. Telipara,
P.S. Sahaspur Lohara, Distt. Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Sahaspur Lohara,
Distt. Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ajay Ayachi, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.09.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.101/2016 registered at Police Station Sahaspur Lohara, District Kabirdham (C.G.) for the offence punishable under Section 302 of Indian Penal Code.
2. As per the prosecution case, the applicant was guarding his field on 24.05.2016, at that time, the deceased Abdul Vakil who went there was assaulted by way of club and stone whereby he died. Subsequently, at the behest of the applicant, stone and club were recovered, which were stained with blood.
3. Learned counsel for the applicant would submit that there is no evidence against the present applicant and only on the basis of the statement made before the police, he has been inculpated; therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents. Considering the fact that the club which was used for commission of offence was recovered from the present applicant which contains blood stain and further the cloths were recovered which also contains blood stain, taking into such evidence, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge