

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5047 of 2016

1. Basanta Yadav, Aged About 27 Years, S/o Panchram, R/o Village Majhgaon, Bazar Muhalla, P.S. Pendra, District Bilaspur Chhattisgarh.

2. Komal Bhimande, Aged About 26 Years, S/o Basant Lal, R/o Village Bader Baham, Modvahi, P.S. Pendra, District Bilaspur Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through P.S. Gorella, District Bilaspur Chhattisgarh.

---- Respondent

For applicants - Shri Hemant Gupta, Advocate.

For Respondent/State – Shri Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

31/08/2016

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.94/2016 registered in Police Station Gorella, Revenue & Civil District Bilaspur (C.G.) for offence punishable under section 302 of IPC but in S.T. case 302, 34 of I.P.C.

2. As per the prosecution case, one dead body of Mankunwar Bai was found in the railway track. It is alleged that one Shiv Kumar Nayak who was husband of the deceased had doubt in the character of Mankunwar and on 15/03/2016 when he reached to the village, he saw some other person in the house and Mankunwar was also drunk. Thereafter, Shiv Kumar Nayak alongwith Basanta Yadav and Komal Bhimande the applicants took Mankunwar in their motorcycle and on the route it was stopped and Shiv Kumar assaulted Mankunwar by way of a club wherein she died. Thereafter, with the help of the applicants, threw the dead body in the railway track.

3. Learned counsel for the applicants submits that entire allegation of

causing murder is on Shiv Kumar Nayak and only disappearance of the offence and evidence is alleged against the applicants. It is contended that no eye witness is present and only on the memorandum statement of the other co-accused, applicants have been inculpated, therefore the applicants may be released on bail.

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

5. Perused the case diary documents and the charge sheet. As per memorandum statement of Shiv Kumar Nayak allegation of murder have been attributed to him. Taking into evidence collected against these applicants, it appears that allegation of causing disappearance of the evidence has been attributed to these applicants. Taking into such fact, this court is inclined to release the applicants on bail.

6. Accordingly, the bail application is 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