

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4966 of 2016

- Roshan Sahu S/o Fudru Sahu Aged About 24 Years R/o Village Rani Charaud, Police Station - Suhela, Tahsil - Simga, District - Balodabazar - Bhatapara Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh Through The Station House Officer Police Station - Suhela, District - Balodabazar - Bhatapara Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Goutam Khetrapal, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.08.2016

1. This is second 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. 147 of 2015 registered at P.S. Suhela, Distt. Baloda Bazar-Bhatapara (C.G) for the offence punishable under Sections 302, 201 & 120(b) of IPC.
2. As per the prosecution case, one Sukhiya Sahu died on 07.11.2015 and the applicant who is grandson of said Sukhiya Sahu had a dispute over the distribution of land and as such on 07.11.2015 the applicant along-with other co-accused committed murder of Sukhiya Sahu and threw the dead body in the pond and on the next day one Footru Sahu reported the matter that the dead body was floating in the pond.
3. Learned counsel for the applicant would submit that the earlier bail application was dismissed taking into consideration the statements of Krishna Kumar Verma and

Malikram Chaturvedi and it was observed that confusion was made by the applicant before those persons. It is submitted that both the said persons Krishna Kumar Verma and Malik Ram as also another witness Fudru Sahu have been examined and they have not supported the version of prosecution. He referred to the photocopies of statements filed along-with the bail application and relying on the said statements, he would submit that under the circumstances, no case is made out against the applicant, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that the above witnesses have been examined and they have not supported the case of prosecution.
5. Considering the statements of witnesses Krishna Kumar Verma and Malik Ram, at this stage, I am inclined to allow this bail application.
6. 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