

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5054 of 2016

- Rama Yadav S/O Arjun Yadav Aged About 26 Years R/O Village Bijalawa, Police Station Kamleshwarpur, Post Mainpat, Civil And Rev. Distt. Surguja Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kamleshwarpur, District Surguja Chhattisgarh.

---- Respondent

For Applicant : Mr. Anurag Singh, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31-08-2016

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 on 2-2-2016 in connection with Crime No. 2 of 2016, registered at Police Station Kamleshwarpur, District Surguja (CG) for the offence punishable under Sections 302 and 201/34 of the IPC.
2. Case of the prosecution, in brief, is that the deceased Bhanuprasad Namdev while driving the vehicle dashed buffaloes of one Krishna Yadav, on such some altercation took place. Present applicant along with other co-accused persons has caused murder of Bhanuprasad Namdev and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the deceased sustained only one injury on his head and omnibus allegations have been attributed to the applicant and no specific allegations have been made against the applicant.

The statement of Jagdish would show that the applicant has been falsely inculpated. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 2-2-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposing the prayer for grant of bail would submit that there are as many as four eye-witnesses to the incident who have stated that the applicant along with other co-accused persons assaulted the deceased as a result of which he died.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the eye-witnesses namely Jagdish, Nirmal Kumar, Sunil and Subiya which would show that the applicant along with other co-accused persons assaulted the deceased as a result of which he died.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the manner in which the offence was committed and further considering the statements of the eye-witnesses to the incident, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju