

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5486 of 2016

1. Ramayan Prasad, S/o. Mohan Prasad Gond, aged about 36 years,
R/o. Village- Podi, Police Station – Sirgitti, Civil and Revenue District –
Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Sirgitti, District –
Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Malay Kumar Bhaduri, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/09/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.146/2016, registered at Police Station – Sirgitti, District – Bilaspur (C.G.) for the offence punishable under Section 363, 366, 376, 368, 302, 34 of Indian Penal Code and Section 5 & 6 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that one of the co-accused, Sanjay Gond abducted the deceased, Savanmati, who was minor and thereafter started living as husband and wife and over some

dispute, he committed murder of Savanmati by throttling. Thereafter, the applicant, who is the father of Sanjay Gond threw the dead body into the river so as to make disappearance of the evidence. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the main allegation are attributed to Sanjay and this applicant has not committed any offence and only the allegation of disappearance of evidence is levelled against the present applicant. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 15.04.2016, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he do not dispute the fact that allegation against the present applicant is with respect to disappearance of evidence.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case and the degree of allegation leveled against this applicant for making disappearance of evidence and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 15.04.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge