

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5493 of 2016

- Munna Gond @ Deshaha S/O Hari Singh Aged About 40 Years
R/O - Basinpath Gangpur, P.S. Gaurela, District - Bilaspur
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Police Station - Gaurela, District -
Bilaspur Chhattisgarh

For Applicant : Mr. Yogendra Chaturvedi, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

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 for grant of regular bail to the applicant who has been arrested on 26-01-2016 in connection with Crime No. 32 of 2016, registered at Police Station Gaurela, District Bilaspur (CG) for the offence punishable under Section 302 of the IPC.
2. Case of the prosecution, in brief, is that a report was made that one Shankar Singh died in the intervening night of 22-1-2016 & 23-1-2016. It is alleged that present applicant had previous altercation with deceased and he assaulted the deceased by club as a result of which he sustained grievous injuries and died and the previous altercation which took place in the night was seen by Durga Singh, sister of the deceased.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, no evidence is available against the present applicant and the club which was

seized was different from the club which was sent for chemical examination to FSL, therefore, no offence can be attributed to the present applicant. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 26-1-2016 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 is sufficient evidence against the applicant, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents which would show that from the possession of present applicant club used in the commission of offence was seized which was stained with blood,
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and further considering the recovery of club made from the applicant and further considering the circumstantial evidence, I am not inclined to release the applicant on bail, at this stage.
7. 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