

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6519 of 2016

1. Ramu Nishad, S/o. Dhajaram, aged about 46 years, Caste- Nishad, R/o. Bilaigarh, P.S. - Chandrapur, District – Janjgir-Champa (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the District Magistrate, Janjgir-Champa (C.G.)

---- Respondent

For Applicant : Mr. V.C. Ottalwar & Shri Ishwar Jaiswal, Advocates
For Respondent/State : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/10/2016

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.32/2016, registered at Police Station – Chandrapur, District – Janjgir-Champa (C.G.) for the offence punishable under Section 302, 120-B/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Shyam Gopal was murdered on 24.04.2016. The offence was registered on the report of son of the deceased and primary allegations were attributed that the applicant and others had dispute over distribution of water in the field and therefore, threat was extended. Consequently, Shyam Gopal was murdered by the applicant with the help of other co-accused persons.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no offence was committed

by him. It is further submitted that no eye-witness is present in this case, charge-sheet in this case has been filed and the applicant is in jail since 27.04.2016, 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
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. The name of the applicant appears in the FIR and the main allegations have been attributed to the present applicant and immediately after 3 days of the incident, blood stained club and cloths were recovered from him. Taking into such facts I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge