

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6527 of 2016

1. Lakhpatri, S/o. Kush, aged about 40 years, Caste-Nishad, R/o. Nawapara, 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 one Ramu Nishad and others had dispute over distribution of water in the field and therefore, threat was extended. Consequently, Shyam Gopal was murdered by Ramu Nishad and others with the help of the applicant.
3. Learned counsel for the applicant submits that the applicant has not been named in the FIR and he has inculpated only on the basis of

the memorandum and the club and cloth was recovered after 20 days i.e. on 13.05.2016, therefore, it is submitted that the applicant has been falsely implicated in this case as no eye-witness are present in this case, 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 FIR do not show the name of the applicant and the recovery of club and cloths were made after 20 days of the incident after the other co-accused persons were already been arrested. Taking into such fact, 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