

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6587 of 2016

- Peelalal Sapre S/o Dularva Sapre, Aged About 41 Years R/o Village Ghosarra, Police Station Lalpur, District Mungeli, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Mungeli, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sourabh Danghi, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25-10-2016

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 15-4-2016 in connection with Crime No. 219 of 2014, registered at Police Station City Kotwali, Mungeli, District Mungeli (CG) for the offence punishable under Sections 302, 201, 120-B of IPC and Sections 25 & 27 of the Arms Act.
2. As per prosecution case, on 31-5-2014 a report was made that one dead body was found in decomposed and burnt condition. After 4 – 5 months of the incident, one Tul Singh and Gondu Sahu during the course of altercation clamped allegations on each other wherein commission of murder of Devcharan @ Chandra Sapra came to fore and subsequently, on investigation it was found that the applicant along with other Janak Ram Sahu and Gondu Sahu and others have committed murder of Devcharan as he had illicit relation with the wife of Janak Ram and some other ladies of the village, therefore, they all conspired to eliminate Devcharan and accordingly he was murdered and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case and there is no direct evidence against the present applicant, except the memorandum statement of Janak Ram Sahu and no recovery has been made from the present applicant. He would further submit that the charge-sheet has been filed in this case, he is in jail since 15-4-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary, the documents and statements of the witnesses which would show that the applicant has been inculpated on the memorandum statement of the Janak Ram. The documents would further show that the dead body was found to be half burnt and no recovery has been made from the present applicant.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the evidence available against the applicant and also the fact that the charge-sheet has been filed and the applicant is in jail since 15-4-2016, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

