

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6664 of 2016

Kailash Netam S/o Baratu Ram Netam Aged About 24 Years R/o
Kumhankhar, Police Station - Kanker, District Uttar Bastar Kanker
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through, Station House Officer, Police
Station - Kanker, District Uttar Bastar Kanker Chhattisgarh

---- Respondent

For applicant - Shri Awadh Tripathi, Advocate.
For Respondent/State – Shri U.K.S. Chandel, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

23/11/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.383/2014 registered in Police Station Kanker, Distt. Uttar Bastar Kanker (CG) for offence punishable under section 302 of the IPC.
2. As per the prosecution case, on 19/11/2014 the applicant committed murder of his father Baratu by inflicting injury by stone on his head on a dispute when arose in the house. Subsequently, on memorandum and enquiry in the village the applicant admitted his crime.
3. Learned counsel for the applicant submits that the incident is of 19/11/2014 and initially statement was recorded of the witnesses wherein no one has disclosed anything and subsequently on 2/07/2016 memorandum was obtained and on the memorandum of the applicant stone was recovered. He submits that it is unexplained that between 2014 to 2016 no allegation was attributed nothing was disclosed and only after memorandum the other supplementary statements have been recorded, therefore he submits that the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the statement. It appears that for the first time on 2/07/2016 in statement of Sagu Bai in additional statement it was disclosed that the applicant has committed murder of her husband. Initially nothing was disclosed by her when initial statement was recorded and it appears that after memorandum stone was recovered, the statements have been made. Taking into nature of evidence collected and the time lapsed, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE