

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6847 of 2016

1. Kanhaiya Lal Mathur S/o Late Dhanas Ram Mathur Aged About 54 Years R/o Village Bandhua, Police Station Lalpur, District Mungeli Chhattisgarh
2. Raj Narayan Mathur S/o Babu Lal Mathur Aged About 40 Years R/o Village Bandhua, Police Station Lalpur, District Mungeli Chhattisgarh
3. Dev Narayan Mathur S/o Babu Lal Mathur Aged About 34 Years R/o Village Bandhua, Police Station Lalpur, District Mungeli Chhattisgarh
--- Applicants

Versus

- State of Chhattisgarh through the Station House Office, Police Station Lalpur, District Mungeli Chhattisgarh
--- Respondent

For the applicants	:	Mr. H. S. Ahluwalia, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 233/2012 registered at P.S. Lalpur, Distt. Mungeli (C.G) for the offence punishable under Sections 147, 148, 120-B, 302, 201 of IPC.
2. As per the prosecution case, on 16.11.2012 one Dev Prasad was murdered. A complaint was made by Shiv Prasad. Subsequently a statement was recorded in the year 2012 and the case was registered against some unknown persons. Thereafter in the year 2016, the mother, brother and sister of the applicant have named the present applicants that they have committed offence as they landed into some dispute.
3. Learned counsel for the applicants would submit that when initially the statement was recorded in the year 2012 the

applicants were not named and the case was closed and thereafter, after 3 1/2 years, all of a sudden the statements of brother, father and sister/mother were recorded wherein allegations have been attributed to the present applicants. He further submits that there is no eye witness to the incident; charge sheet in this case has been filed and the applicants are in jail since 03.06.2016, therefore, for all these reasons the applicants may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents. Initially when the earlier statements were recorded, the names of applicants were not named and only some doubt was raised. Subsequently after 3 1/2 years the present applicants have been inculpated on the statement of witnesses.
6. Taking into nature of evidence collected and the totality of the facts and circumstances of the case especially the fact that the charge sheet in this case has been filed and the applicants are in jail since 03.6.2016, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**