

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7243 of 2016

- Rajesh Singh S/o Shiv Prasad Singh Aged About 20 Years R/o Village Goakhnathpur Police Station Vishrampur, District Surajpur Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through : Police Station Incharge, Police Station Vishrampur, District - Surajpur Chhattisgarh

---- **Respondent**

For Applicant : Mr. Bhupendra Singh, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18-11-2016

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 11-7-2016 in connection with Crime No. 127 of 2016, registered at Police Station Vishrampur, District Surajpur (CG) for the offence punishable under Sections 302 & 201/34 of the IPC.
2. Case of the prosecution, in brief, is that in the intervening night of 7/8-6-2016, the applicant along with other co-accused persons committed murder of Gangaram as there was some previous enmity existing between the applicant and other co-accused persons and the deceased Gangaram, therefore, he was strangled to death.
3. Learned counsel appearing for the applicant would submit that neither evidence is available against the present applicant nor any recovery has been made from him. The applicant has been inculpated in this case only on the statement of other co-accused Ram Singh and as per memorandum,

appearance of the present applicant is after murder was committed. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 11-7-2016 and no further investigation is necessary, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the applicant has been inculpated on the statement of other co-accused Ram Singh.
5. I have heard learned counsel for the parties, perused the case diary and other documents which would show that no recovery has been made from the present applicant and he has been inculpated only on the statement of other co-accused Ram Singh.
6. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the applicant and the evidence available against the present applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 11-7-2016, 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