

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7265 of 2016

1. Baldev Singh Mathur, S/o. Late Dhanasram Mathur, Aged About 40 Years.
 2. Palan Das Mathur, S/o. Bhagela Mathur, Aged About 32 Years.
 3. Ganga Bandhi, S/o. Jai Kumar Bandhi, Aged About 34 Years.
- All are R/o. Village Bandhwa, Police Station Lalpur, District Mungeli, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through The Station House Office, Police Station Lalpur, District Mungeli, Chhattisgarh.

---- Respondent

For Applicants : Mr. H.S.Ahluwalia, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.11.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.233/2012 registered at Police Station- Lalpur, District Mungeli (C.G.) for the offence punishable under Section 302 of Indian Penal Code and after the completion of investigation Section 147, 148, 120-B, 201 of Indian Penal Code was added.
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 deceased 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 initially when the statement was recorded in the year 2012 no direct allegations were attributed against the present applicants and subsequently after 3 ½ years suddenly the names have been disclosed. He further submits that there is no eye-witness to the accident, the charge sheet has been filed and the similarly placed accused have been enlarged on bail by this Court on 08.11.2016 in MCRC No. 6847 of 2016, therefore, the present applicants may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and she would submit that initially the name of the present applicants were divulged by the mother & father of the deceased.
5. Perused the case diary and the statement of the witnesses. Initially doubts were attributed against the present applicants in the year 2012 and thereafter in 2016 the present applicants have been inculpated on the statement of the witnesses. Considering the facts and circumstances of the case, nature of evidence and the fact that the charge sheet has been filed and the applicants are in jail since 03.06.2016, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge