

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7592 of 2016

- Gonduram s/o. Rajha Sapre, aged about 42 years, r/o village Ghosarra, PS Lalpur, District Mungeli (CG).

---- Petitioner

Versus

- State Of Chhattisgarh Through SHO Police Station Mungeli, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Ms. Preetha Ghoshal, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13-12-2016

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 read with Section 34 of the IPC.
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 Sapre 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, only on the memorandum statement of Janak Ram Sahu, the applicant has been inculpated 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 and would submit that it is a case of extra judicial confession made by the present applicant before Bhushan Prasad and Videsi Ram.
5. I have heard learned counsel for the parties and have also perused the case diary, the documents.
6. Perused the statements of the witnesses Bhushan Prasad Sahu and Videsi Ram wherein allegations have been clamped on others.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statements of witnesses Bhushan Prasad Sahu and Videsi Ram 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.
8. 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