

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7595 of 2016

1. Vindeshwar, S/o. Bhutku, aged about 25 years, Caste- Nageshiya, R/o. Village-Dugdugiya (Kunkuri), Tahsil – Kunkuri, District – Jashpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Kunkuri, District – Jashpur (C.G.)

---- Respondent

For Applicant : Mr. Ashish Gupta, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/12/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.132/2016, registered at Police Station – Kunkuri, District – Kunkuri (C.G.) for the offence punishable under Section 302, 201, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 27-28.06.2016 Nazir Khan, Raj Kumar and other co-accused persons hired and took the vehicle, which was owned by the deceased Naihar Sai, who was also driver and over a dispute in between them, they committed murder of Naihar Sai. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that only allegation against the present applicant is to make disappearance of evidence under Section 201 of I.P.C. and he has not committed any offence, therefore, the counsel prays that the applicant may be enlarged on

bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he do not dispute the fact that the allegation against the present applicant is under Section 201 for making disappearance of evidence as per statement of witness Shrawan Namdeo recorded under Section 164 of Cr.P.C.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and statements. Considering the nature of allegation against the present applicant is only for making disappearance of evidence, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge