

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8059 of 2016

1. Janak Ram, S/o. Mohit Ram Sahu, aged about 24 years, R/o. Village Ghosharra, Police Station – Lalpur, District – Mungeli (C.G.)

----Applicant

Versus

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

---- Respondent

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/12/2016

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.219/2014, registered at Police Station – Mungeli, District – Mungeli (C.G.) for the offence punishable under Section 302, 201, 120-B, r/w. Section 34 of Indian Penal Code and Section 25, 27 of Arms Act.
2. Case of the prosecution, in brief, is that on 31.05.2014 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 against 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 have committed murder of Devcharan as he had illicit relation with the wife of the present applicant 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 for the applicant would submit that the applicant has been falsely implicated in this case and only on the basis of memorandum, a knife alleged to have been recovered on 15.04.2016, though the alleged incident was of 26.05.2014 and the knife which was recovered was sent for FSL and the report shows that it does not contain any human blood, therefore, only on the assumption the applicant has been inculpated and there is no evidence available against the applicant. 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.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the FSL report, which shows that the knife which was sent for FSL do not contain human blood. Taking into such fact and the period lapse in between the seizure and the incident, and only on the basis of the memorandum statement, the applicant is shown to have been inculpated, without any further observation on merits of this case, 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