

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8094 of 2016

- Tukaram Sapre S/o Makhanlal Sapre, Aged About 26 Years R/o Village Ghosarra, Police Station Lalpur, District Mungeli, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Mungeli, District Mungeli, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Utkal Pradhan, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-12-2016

1. This is the second 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, 34 of the IPC and Sections 25 & 27 of the Arms Act.
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 ad 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, the 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 only on the memorandum statement of Janak Ram which was recorded on 15-4-2016. No evidence is available against the present applicant. Neither circumstantial evidence nor any evidence of eye-witness is present against the applicant and only recovery of Tractor and Jerrycan was made from the present applicant which do not connect the present applicant with crime. He would further submit that case of the preset applicant is similar to that of other co-accused namely Peelalal Sapre who has been granted bail vide order dated 25-10-2016 passed by this Court in M.Cr.C.No. 6587 of 2016, therefore, the applicant may also be released on bail on the ground of parity.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to the case of co-accused who has been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that the charge-sheet has been filed, the applicant is in jail since 15-4-2016 and further considering the fact that similarly placed other co-accused has been granted bail, 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