

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8214 of 2016

1. Tuleshwar Ram, S/o. Nirmal Kumar, aged about 24 years, Caste-Gond, R/o. Village-Gorakhnathpur, Police Station – Vishrampur, District – Surajpur (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant : Mr. Santosh Bharat, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/12/2016

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.127/2016, registered at Police Station – Vishrampur, District – Surajpur (C.G.) for the offence punishable under Section 302, 201 read with Section 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that in the intervening night of 7/8-6-2016, the applicant along with other co-accused persons committed murder of Gangaram as there was some previous enmity existing between the applicant and other co-accused persons and the deceased Gangaram, therefore, he was strangled to death. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that neither evidence is available against the present applicant nor any recovery has been made from him. The applicant has been inculpated in this case only on the statement of other co-accused Ram Singh and as per memorandum appearance of the applicant is after murder was committed. It is further submitted that similarly placed co-accused, Rajesh Singh has been enlarged on bail by this Court in M.Cr.C. No.7243/2016 vide order dated 18.11.2016, therefore, the counsel prays that the applicant may also 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 similarly placed co-accused in this case has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents, which would show that no recovery has been made from the present applicant and he has been inculpated only on the statement of other co-accused Ram Singh. Taking into consideration all the facts and circumstances of the case, nature of allegations levelled against the applicant and the evidence available and further considering the fact that similarly placed co-accused, Rajesh Singh has been enlarged on bail by this Court in M.Cr.C. No.7243/2016 vide order dated 18.11.2016, 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

Balram