

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1185 of 2017

- Jai Singh s/o. Shri Dhansu Gond aged about 19 years, r/o village Gorakhnathpur, PS Bishrampur, District Surajpur (CG).

---- Applicant

Versus

- State of Chhattisgarh Through SHO, PS Bishrampur, District Surajpur (CG).

---- Respondent

For Applicant : Mr. V.K. Pandey, Advocate

For Respondent/State : Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-03-2017

1. This is the first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 11-7--2016 in connection with Crime No. 127 of 2016, registered at Police Station Bishrampur, District Surajpur (CG), for the offence punishable under Section 302 read with Section 149 and Section 201 of IPC
2. As per prosecution case, in the intervening night of 7/8-6-2016, one Gangaram was murdered and his dead body was found under culvert. During investigation, it was reveled that Ram Singh, who was also relative to deceased Gangaram had some previous family emity. Consequently, he had conspired to eliminate Gangaram along with present applicant. In-furtherance of common intention, Ram Singh and the present applicant committed murder of Gangaram and threw his dead body under culvert and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been inculpated only on the memorandum statement of Ram Singh and the mobile which was seized from other co-accused is similar to that of the applicant. He would further submit that charge-sheet has been filed, the applicant is in jail since 11-7-2016 and no further investigation is necessary, therefore, present applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties and perused the case diary and documents.
6. Perused the statement of other accused Ram Singh and also first information report wherein main allegations have been attributed to the present applicant and Ram Singh who killed deceased by throttling.
7. Taking into consideration all the facts and circumstances of the case, considering the statement of the other co-accused Ram Singh and recovery made from the applicant and the evidence collected by the prosecution, I am not inclined to release the applicant on bail.
8. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju