

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2677 of 2017**

- Jhaduram S/o. Rameshwar Sahu, aged about 36 years, R/o. Village Rohina, Police Station & Tahsil Rajim, District Gariyaband (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station Rajim, District-Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Shri Krishna Kumar Dewangan, Advocate
 For Respondent/State : Shri OP Sahu, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.5.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.15/2017 registered in Police Station Rajim, District Gariyaband for the offence punishable under Section 302 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 17.01.2017, after investigation, police has filed charge sheet against the present applicant which was registered as Criminal Case No.175/17, but the counsel for the applicant is not in a position to state in which the Court the police has filed the said matter. Also further submits that the matter is

committed to the Court of Session presently pending before Additional Sessions Gariyaband but learned counsel for the applicant is not in a position to state the Session Trial number. As submitted the applicant has been falsely implicated in the offence, false unnumbered FIR has been lodged when he already reached before the Police Station then, the memorandum and the seizure is of no relevance. There is no enquiry report regarding the nature of the injury received over the body of the deceased.

4. Per contra, learned counsel for the State opposes the bail application and would submit that present is a case where the police has collected circumstantial evidence including seizure of spade, stained with blood, on the basis of memorandum of applicant. Looking to the evidence collected, instant application for bail may be dismissed.

5. Perused the entire material.

6. On due consideration of the fact that prima facie there is material in the shape of circumstantial evidence against the applicant, hence, I am not inclined to grant bail to the applicant. .

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE