

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2701 of 2017

Jugut Ram S/o. Shri Satilal, aged about 22 years, R/o. Village Ghotha,
by caste Gond, P.S. Pandatarai, District Kabirdham (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Taregaon, District Kabirdham, Chhattisgarh

---- Respondent

For Applicant	:-	Shri Awadh Tripathi, Advocate
For Respondent/ State	:-	Shri Arun Sao, Dy. Advocate General

Hon'ble Shri Justice Anil Kumar Shukla

Order On Board

29/05/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 01/2017 registered at Police Station- Taregaon, District Kabirdham (C.G.) for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code.
2. Case of the prosecution in brief is that the aforesaid crime has also been registered against co-accused Nandram in the same police station. Co-accused Nandram was having illicit relationship with the wife of deceased Anujram. The allegation against the applicant is that he along with co-accused Nandram committed murder of Anujram.
3. Learned counsel appearing for the applicant submits that the applicant is innocent and he has been falsely implicated in this case because the applicant was not involved in the alleged offence and no material evidence has been collected against the applicant.

4. Learned State counsel opposes the prayer for grant of bail.
5. From the memorandum of the applicant, it appears that the applicant had accompanied co-accused Nandram on the date and time of the incident. According to the case diary, there was an illicit relationship between co-accused Nandram and the wife of deceased Anujram and, therefore, Anujram was killed by co-accused Nandram and the applicant. At the time of incident, the applicant continuously accompanied co-accused Nandram. The crime has been registered against both of them on the basis of circumstantial evidence. Therefore, it cannot be presumed that for the murder of Anujram, who was guilty for which offence. Offence under Sections 302, 201, 34 IPC has been registered against both the accused. Therefore, taking into consideration the facts and circumstances of the case and the gravity of offence, I do not find the case of the applicant for grant of bail.
6. Consequently, the instant bail applicant is rejected.

Sd/-
(Anil Kumar Shukla)
Vacation Judge