

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7085 of 2017**

- Bodh Ram S/o Shri Bal Singh Goud, Aged About 28 Years R/o Salba, P. S. And Tahsil Udyapur, District Sarguja, Chhattisgarh.

---- Applicant

**Versus**

- State of Chhattisgarh Through Police Station Premnagar, District Surajpur, Chhattisgarh.

---- Respondent

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| For Applicant        | : | Shri Praglabha Sharma, Advocate         |
| For Respondent-State | : | Shri Anupam Dubey, Dy. GA for the State |

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****24/11/2017**

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 on 03.07.2017 in connection with Crime No.77/2017 registered at Police Station Premnagar, District Surajpur (CG) for the offence punishable under Sections 302, 201 of the I.P.C.
2. As per the prosecution case, on 01.07.2017, the deceased Kishore Kumar when went along with the present applicant Bodh Ram and one Tulsi Ram, who were working in the same company, some dispute took place between the deceased and the accused persons and there was exchange of some heated words. Thereafter, when they were returning on a motorcycle, the deceased was abused and assaulted on the road and he sustained injury and succumbed to death, therefore, the offence has been committed.
3. Learned counsel for the applicant submits that there is no eye witness in

this case and the applicant has been inculpated only on the basis of the last seen evidence and the motive is also not shown by the prosecution. He would further submit that the charge-sheet in this case has been filed, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of one Basant, he has stated that at about 10:30 pm the present applicant & deceased had taken food in his hotel and thereafter altercation took place in between them, subsequently, they went away. Thereafter, the deceased was found lying on the road and at about 10.45 pm and he was found dead. Also perused the memorandum statement. Considering the same, I am not inclined to release the applicant on bail. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhasuri  
Judge

Ashu