

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8392 of 2016

- Sishan @ Banta S/o Late Shri Navsai, Aged About 25 Years R/o Bhuddas, Bagicha, Police Station Rajpur, District Balrampur Ramanujganj, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Rajpur, District Balrampur Ramanujganj, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Jitendra Shrivastava, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02-01-2017

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 30-7-2016 in connection with Crime No. 111 of 2016, registered at Police Station Rajpur, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 450 & 302/34 of the IPC.
2. Case of the prosecution, in brief, is that on 28-7-2016 one Devnarayan was murdered by the present applicant along with other co-accused Omprakash Ghasiya over a dispute that the deceased had stolen the slippers. Consequently, some dispute took place and on the date of incident i.e., 28-7-2016 threat was extended that Devnaraya would be eliminated, thereafter the applicant along with other co-accused had committed murder of Devnarayan.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, there is no evidence against the present applicant, as per memorandum statement of other co-

accused assault was made by other co-accused Om Prakash Ghasiya. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 30-7-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statement of Rai Muni, wife of the deceased, memorandum statement of co-accused Omprakash Ghasiya and the post-mortem report which would show that only one injury was caused to the deceased.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statement of Rai Muni, wife of the deceased, memorandum statement of other co-accused Om Prakash Ghasiya and the post-mortem report and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 30-7-2016, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju