

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8617 of 2016

- Pratap Singh S/o Ramlal, Aged About 28 Years R/o Village- Gorakhnathpur, Police Station- Vishrampur, District- Surajpur Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through- The Station House Officer, Police Station- Vishrampur, District- Surajpur Chhattisgarh.

---- **Respondent**

For Applicant : Mr. D.N. Prajapati, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12-01-2017

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 11-7-2016 in connection with Crime No. 127 of 2016, registered at Police Station Vishrampur, District Surajpur (CG) for the offence punishable under Sections 302, 301, 34 of the IPC.
2. Case of the prosecution, in brief, is that in the intervening night of 7/8-6-2016, one Gangarm was murdered and his dead body was found under culvert. During investigation, it was revealed that Ram Singh, who is also relative to deceased Gangaram, had some previous family enmity. Consequently he has conspiracy to eliminate Gangaram and thereafter, Ram Singh along with Jai Singh and present applicant killed 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 memorandum statement of Ram Singh would show that Ram Singh and Jay Singh had committed murder of Gangaram and thereafter threw the dead body of the deceased, only on the basis of memorandum statement of other

co-accused Ram Singh, the applicant has been inculpated. He would further submit that only allegation can be attributed to the present applicant that he concealed the evidence. He would further submit that co-accused Rajesh Singh has been granted bail vide order dated 18-11-2016 passed by this Court in M.Cr.C.No.7243 of 2016, charge-sheet has been filed in this case, the applicant is in jail since 11-7-2016 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 and would submit that one Mohan Gond had seen the present applicant roaming outside the house of Shakti Singh in the night along with other co-accused persons and subsequently he was identified.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the memorandum statement of other co-accused Ram Singh.
7. Taking into consideration the facts and circumstances of the case, nature of allegation and degree of offence, considering the nature of evidence available against the present applicant and further considering the memorandum statement of other co-accused Ram Singh and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 11-7-2016, 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

