

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 98 of 2017

1. Himalay Singh S/o Amar Singh, aged about 22 Years Caste Gond, R/o Village Umjhar, Police Station Biharpur Chandni, Tahsil Odgi, District Surajpur, Chhattisgarh.
2. Rajendra Singh S/o Bhagwan Singh Gond, aged about 30 Years Caste Gond, R/o Village Umjhar, Police Station Biharpur Chandni, Tahsil Odgi, District Surajpur, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh through the Police Station Bhatgaon, District Surajpur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Ashok Ku. Shukla, Advocate
For Respondent/State	: Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.5/2016, registered at Police Station – Bhatgaon, District – Surajpur (C.G.) for the offence punishable under Sections 302, 120B, 201 read with 34 of Indian Penal Code.
2. As per the prosecution case, a dead body was found on

06.01.2016. During investigation, on 07.01.2016 the dead body was identified as Girja Giri. It is alleged that the present applicants along with the deceased went for picnic on 06.01.2016 and the applicants returned but the deceased did not return. Thereafter, the dead body was recovered.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated only on the basis of last seen theory and no plausible evidence has been recorded. Therefore, counsel for the applicants prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Perused the case diary and the documents.
6. Considering the total facts and circumstances of the case and the nature of offence, I am not inclined to release the present applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge