

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2100 of 2017

- Om Prakash @ Ghasiya S/o Devlal Aged About 20 Years, Caste Bargha, Occupation Labour, R/o Bhuddas, Bagicha, Police Station & Tahsil Rajpur, District- Balrampur- Ramanujganj, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh Through the Station House Officer Police Station Rajpur, District- Balrampur Ramanujganj , Chhattisgarh.

---- Respondent

For Applicant	:	Shri Jitendra Shrivastava, Advocate
For Respondent-State	:	Shri SRJ Jaiswal, PL for the State

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/08/2017

1. This is the second 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. As per the prosecution case on 28.07.2016 one Devnarayan was murdered by the present applicant with another co-accused Sishan @ Banta over a dispute that the deceased has stolen sleepers and there has been some land dispute over the construction was existing. For that the present applicant extended threat to the deceased Devnarayan and his wife that they would be eliminated and his wife would be made a widow. Consequently, the applicant along with other co-accused has committed the murder.

3. Learned counsel for the applicant would submit that there is no offence against the applicant only on the basis of the memorandum statement, the applicant has been inculpated and one of the memorandum witness has not supported the case of the prosecution. He would also submit that the co-accused has been enlarged on bail in M.Cr.C. No.8392/2016, therefore, the present applicant may also be enlarged on bail.
4. Learned State counsel opposes the bail application.
5. Perused the bail order of the co-accused Sishan @ Banta, which was passed on 02.01.2017 in M.Cr.C. No.8392/2016, which shows that the main allegations were attributed against the present applicant. Further taking into consideration the statement of the wife of the deceased and the memorandum statement along with FSL report, which shows that the T-shirt seized from the applicant contained blood. Considering the same, I am not inclined to release the applicant on bail. Accordingly, the bail application is rejected.

Sd/-

Goutam Bhaduri

Judge

Ashu