

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 284 of 2018**

Gajadhar Sahu @ Lambu Son Of Aghanu Sahu, Aged About 35 Years Caste Teli, R/o Village Ghaghmunda, Police Station Kurdeg, District Simdega, Jharkhand.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Farsabahal, District Jashpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri J.K. Saxena, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.03.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.2 of 2017, registered at Police Station – Farsabahal, District - Jashpur, Chhattisgarh for the offence punishable under Sections 302 and 201/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 23.2.2017 and he has been falsely implicated in this case on the basis of the memorandum statement given by the co-accused Prem Chand Sahu. The case is based on circumstantial evidence and no such circumstance is present against this applicant, by which the applicant can be involved in the crime and the applicant has not committed any offence. Similarly placed

co-accused – Nasimuddin Ansari @ Babu has been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No. 4215 of 2017, vide order dated 22.11.2017. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear evidence of involvement of this applicant in this case as the motorcycle belonging to the deceased was recovered from his possession on the basis of the memorandum statement given by him and the same motorcycle was being used by this applicant after changing the number plate and there is statement of the wife of the deceased that the deceased left with his motorcycle for the last time when he was seen alive. Hence, the applicant needs to explain the circumstance in his defence and no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. The body of the deceased - Vishram Sahu was found on 8.1.2017. After conducting the inquest procedure, it was found that the death of the deceased was homicidal and on that basis, the FIR was lodged. During investigation, main accused Prem Chand Sahu @ Chandro Sahu was apprehended and interrogation was made and in that it is revealed that the applicant was associated in the commission of crime. The recovery of the motorcycle has been made from the possession of this applicant which has been identified as the motorcycle of the deceased. There is evidence that the deceased left with the motorcycle last seen when he was alive. Hence, on the basis of the material present in the case-diary, I am of the view that

the applicant does not deserve to be released on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi