

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 486 of 2018**

Labho Nishad, S/o. Sonau, Aged About 32 Years, Caste -Nishad, R/o. Village Machladih, P. S. Kosir, District -Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The District Magistrate, Janjgir -Champa Chhattisgarh.

---- Respondent

For Applicant : Mr. Ishwar Jaiswal, Advocate

For State/respondent : Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**21/03/2018**

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.32/2016, registered at Police Station – Chandrapur, District – Janjgir-Champa (C.G.), for the offence punishable under Section 302, 120-B/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Name of this applicant has not appeared in the FIR. He was named for the first time in the memorandum statement of co-accused Gunda @ Kumar, Jaiprakash. Applicant himself surrendered before the concerned trial

Court on 24.06.2017, thereafter, additional investigation was made in which club was recovered from this applicant, which can not be said to have any connection in the case as alleged. It is submitted that co-accused persons Gunda @ Kumar, Jai Prakash, Lakhpati have been granted bail by the Coordinate Bench of this Court, whereas, the main accused Ramu Nishad has been granted bail by the Hon'ble Supreme Court, hence prayed that the applicant may also be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that sufficient incriminating evidence is available in the case against this applicant, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, Ramu Nishad along with this applicant and other conspired to cause death of deceased – Shyam Gopal. On 24.04.2016, when the deceased had been on his field, he was assaulted by the main accused and by all the co-accused persons with club and rods. Suffering grievous injuries, the deceased died on the spot. After inquest procedure, FIR was lodged. Name of this applicant has appeared in the memorandum statement of co-accused persons.
6. Considered on the submissions made and the contents of the case diary. Considering on the quality of the evidence i.e. proposed against this applicant for his prosecution in this case and also considering this fact that similarly placed co-accused persons namely Gunda @ Kumar,

Jai Prakash and Lakhpatri as well as main accused – Ramu Nishad have been granted bail, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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/-
(Rajendra Chandra Singh Samant)
Judge