

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.3410 of 2018

Ramji Nishad S/o Shri Phukel Nishad, aged about 19 years, R/o village Nuniyakachhar, Thana City Kotwali Mungeli, Civil & Revenue District Mungeli (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through – the S.H.O. Police Station City Kotwali Mungeli, District Mungeli (C.G.).

---Respondent

For applicant	:	Shri Sunil Sahu, Advocate.
For State	:	Shri Syed Majid Ali, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/07/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.66/2018 registered at Police Station City Kotwali, Mungeli (C.G.) for the offence punishable under Sections 302 & 201/34 of IPC.
2. Present applicant is in jail since 04/02/2018.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant in connivance with the other co-accused person – his father – Phukel Nishad is said to have assaulted the deceased Lokesh Kumar Patle on 05/01/2018 resulting in his death and they have thrown the body of the deceased in the field of one Ramlal Sao, Dharmadha Trust,

Mungeli (C.G.) and the said body was found by one Ratiram Sao for the first time on 13/01/2018 and a merge intimation in this regard was sent.

4. Lateron, a postmortem was conducted and during the course of investigation it was found that, there was some dispute between the present applicant and the deceased and lateron the present applicant was arrested and his memorandum statement was recorded on 04/02/2018 wherein he is said to have confessed about his involvement in the offence.

5. The counsel for the applicant submits that, except for the memorandum statement, there is no material available with the prosecution with which he could be implicated in the criminal case. He further contended that, even otherwise, the prosecution does not have anything in their favour with which the present applicant could be convicted for the charge under Section 302 of IPC and thus prayed for releasing the applicant on bail.

6. The State counsel however opposing the bail application submits that, from perusal of the memorandum statement of the present applicant, it is evidently clear that it was he along with the co-accused – Phukel Nishad – his father who had assaulted the deceased with a stick which resulted in his death and thus prayed for rejection of the bail application.

7. Having heard the contentions put forth on either side and on perusal of record, particularly taking note of the fact that, except for the memorandum statement of the present applicant, there is no other material available in the case diary with which the present applicant could be implicated in the said offence.

8. Thus, this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

9. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit