

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5177 of 2018**

- San Ram S/o Lakhapati Aged About 50 Years R/o Sakin Tripuri Sarnatoli, Police Station- Kusmi, District- Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Kusmi, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Akath Kumar Yadav, Advocate
For State/respondent	: Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/09/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.65/2007, registered at Police-Station-Kusmi, District-Balrampur-Ramanujganj(C.G.) for the offence punishable under Section 302/34 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. After completion of investigation, charge-sheet has been filed. No case is made out

against him, hence, it is prayed that he may 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.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. On the date of incident Jeevanti Bia, Tizobai, Chhotu @ Shivshankar and Sandeep were done to death by some unknown persons regarding which FIR was lodged. Subsequent to that during investigation, one oral dying declaration was recorded in which the co-accused Arabsai was named as the person, who has assaulted and caused death of the deceased persons. One witness has given statement against this applicant and he was also present at the time of the incident.
6. After considering on all the material present in the case diary and considering this fact that similarly placed co-accused persons namely- Brichand, Jagdev Ram, Ashok Ram & Madhav Ram have been granted regular bail by this Court, hence, for this reason, this applicant also deserves to be granted regular bail.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge