

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1825 of 2019**

- Bhojram Sahu S/o Shri Bisahu Ram Sahu Aged About 43 Years R/o Dhaneli, Police Station Dharsiwa, Raipur District Raipur Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Dharsiwa, Raipur District Raipur Chhattisgarh

---- Respondent

For Applicant	:	Shri N. Naha Roy, Advocate
For Respondent/State	:	Shri Vikas Shrivastava, Panel Lawyer

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****26/04/2019**

Heard.

1. This is second bail application. Earlier bail application was dismissed as withdrawn.
2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.528/2017 registered at Police Station Dharsiwa, Raipur, District Raipur for the offence punishable under Section 302, 201, 34, 120-B of IPC.
3. Case of the prosecution is that the present applicant along with other co-accused person murdered the deceased and thereafter, the deceased was thrown in the well.
4. Learned counsel appearing for the applicant submitted that the involvement of the applicant in this case is based on circumstantial evidence. He submits that the evidence of memorandum and recovery of dead body from the well as also its identification itself doubtful and therefore, only on the basis of suspicion, the applicant has been arrested and prosecuted in this case. It is lastly submitted that the trial has not been concluded till date and the applicant is in jail since 27-10-2017.

5. Learned counsel for the State/non-applicant opposes the application by submitting that the applicant is involved in commission of offence under Section 302 of IPC and according to the prosecution, the dead body was recovered from the well at the instance of the present applicant, therefore, the applicant is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties and gravity of allegations against the applicant, I am not inclined to grant bail to the applicant.

7. Accordingly, the bail application is rejected.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E