

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4967 of 2020

1. Gurbaru Mundu S/o Somru Mundoo Aged About 35 Years Caste-Khadiya And R/o Village Uperkachhar Police Station- Tapkara, District Jashpur Chhattisgarh (Gurubaru wrongly Mentioned in Order Sheet), District : Jashpur, Chhattisgarh
2. Sanat Mundu S/o Khaitoo Mundu Aged About 40 Years Caste-Khadiya and R/o Village Uperkachhar Police Station- Tapkara, District Jashpur Chhattisgarh (Gurubaru Wrongly Mentioned In Order Sheet), District : Jashpur, Chhattisgarh

--- Applicants

Versus

State of Chhattisgarh through- Station House Officer Police Station-Tapkara District- Jashpur Chhattisgarh.

--- Respondent

For the applicants	:	Mr. Sanjeev Kumar Sahu, Advocate
For the Respondent	:	Mrs. Richa Shukla, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.12.2020

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant for Crime No.93/2019 registered at Police Station Tapkara Distt. Jashpur (C.G) for the offences punishable under sections 302, 201, 34 of IPC.
2. As per the prosecution case, on the date of incident on 29.09.2019, over a land dispute applicant No.1 Gurbaru Mundu attacked the deceased Ram Prasad, as a result of which, he died. Thereafter with the help of applicant no.2 he tried to cause the disappearance of evidence.
3. Learned counsel for the applicants would submit that there is no direct evidence available against the applicants and on the basis of memorandum statement, the applicants have

been inculpated.

4. On the other hand, learned State Counsel opposes the arguments.
5. After going through the case diary and charge sheet, it appears that at the instance of applicant No.1 Gurbaru Mundu, the Axe has been recovered and the allegation levelled against Applicant no.2 Sanat Mundu is that he has tried to cause disappearance of evidence.
6. Considering the facts and circumstances of the case and the evidence collected by the prosecution, I am not inclined to release applicant No.1 Gurbaru Mundu on bail. Accordingly, his bail application is rejected.
7. However, in respect of applicant no.2 Sanat Mundu taking into consideration the nature of evidence available against him, I am inclined to release him on bail.
8. Accordingly, bail application of applicant no.2 Sanat Mundu is allowed and he is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE