

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2739 of 2021

1. Ajay @ Chandan S/o Shri Jagatpal Prajapati Aged About 36 Years
R/o Ward No. 47 Near Mohara Talab, Thana - Basantpur, District -
Rajnandgaon Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police
Station - Basantpur, District - Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	Mr. Sunil Sahu, Advocate
For Respondent /State	Mr. Sudep Agrawal, Dy. Adv. General

(Proceedings through Video Conferencing)Order on BoardByPrashant Kumar Mishra, Ag. CJ7/7/2021

1. Heard.
2. The applicant has preferred this bail application under Section 439 of the Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.480/2020, registered at Police Station Basantpur, District Rajnandgaon (CG), for the offence under Sections 120-B, 364, 302, 201/34 of the Indian Penal Code.
3. Present applicant is the younger brother of co-accused Dinesh Nishad @ Golu. Tikeshwar Sahu (since deceased) was having an affair with Om Bai Nishad, W/o Dinesh Nishad. Present applicant and the co-accused Dinesh Nishad being brothers were having

grudge against the deceased due to this affair. Ram Narayan, Ajay @ Chandan (applicant herein) and Shiva hatched a conspiracy to commit murder of the deceased and in execution thereof Ram Narayan called the deceased at Atal Awas of village Mohara where Ram Narayan, Ajay @ Chandan, Shiva and the deceased consumed liquor and after some time an altercation took place between Ram Narayan and the deceased. At this point of time Ram Narayan started assaulting the deceased by means of wheel spanner (pana) and seeing this Chandan and Shiva ran away from the place of occurrence. The dead body was thrown in Shivnath river on 12-12-2020 where from it was recovered on 19-12-2020.

4. Learned counsel for the State, *per contra*, would oppose the bail application.
5. Except for the memorandum statement of co-accused persons there is no other evidence against the present applicant. No recovery of any incriminating article has been made from him, therefore, considering the entire facts situation of the case, further considering the fact that the applicant is in jail since 21-12-2020 and the charge sheet has already been filed, I am of the opinion that present is a fit case to release the applicant on regular bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
7. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri