

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5181 of 2021

1. Ramnarayan Yadu S/o Harku Yadu, Aged About 20 Years, (Wrongly Mentioned As Aged About 40 Years In Order Sheet) R/o Village Rohra, Police Station Bhatapara (Village), District Baloda Bazar-Bhatapara (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Bhatapara (Village), District Baloda Bazar-Bhatapara (C.G.).

---- Non-Applicant

For Applicant : Mr. Hemant Gupta, Advocate.

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

10/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in custody since 26/12/2020 in connection with Crime No. 554/2020, registered at Police Station Bhatapara (Village), District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Sections 302 & 120-B of Indian Penal Code.
- 2) As per the prosecution case, in between 20/12/2020 at 07 Pm and 21/12/2020 at 06 AM Vijay Kumar Sen was murdered by the applicant in conspiracy with other co-accused persons by assaulting him with stones as they were suspecting that the deceased was a Police informer.
- 3) Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. There is no direct evidence showing involvement of the applicant in the crime in question and he has been arrested merely on the

basis of the suspicion. There is nothing to show regarding enmity between the present applicant and the deceased. He submits that co-accused Suraj Yadu and Ravi Yadu have already been granted bail by the Co-ordinate Bench of this Court vide order dated 05/07/2021 and 07/07/2021 passed in MCRC Nos. 1766/2021 and 4070/2020 respectively. He submits that the applicant is in jail since 26/12/2020, charge sheet has already been filed, there is no apprehension of his tampering with the prosecution evidence or influencing the witnesses and conclusion of the trial is likely to take some time due to COVID-19 Pandemic. Therefore, the present applicant be released on bail on ground of parity.

- 4) On the other hand, learned counsel for the State opposes the bail application.
- 5) I have heard the learned counsel appearing for the parties.
- 6) Considering the facts and circumstances of the case, the fact that as per FSL report human blood was found on the clothes of the deceased as well as on the shirt of the applicant, human blood was also found on the stones seized from the place of occurrence by which the deceased was done to death, the memorandum statements of the applicant and other co-accused, the fact that the present is a case based on circumstantial evidence, the motive attributed to the applicant and other material available in the case diary, the depositions of the prosecution witnesses annexed with bail application herewith cannot be appreciated by this Court at this stage as the same is to be done by the Trial Court, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**.

-Sd/-
(Gautam Chourdiya)
Judge