

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 5465 of 2021

1. Gangaram Cherva @ Chaman S/o Shyamlal Cherva Aged About 41 Years Occupation Agriculture, R/o Village Khaliba, Manjhapara Police Station Ghandhinagar, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Brijesh Cherva @ Batiya S/o Sudhram Aged About 20 Years Occupation Labor, R/o Village Khaliba, Manjhapara Police Station Ghandhinagar, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
3. Krishna Prasad @ Koda S/o Manohar Aged About 20 Years Occupation Labour, R/o Village Khaliba, Manjhapara Police Station Ghandhinagar, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Applicants

Versus

State Of Chhattisgarh Through Police Station Ghandhinagar, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicants	:	Shri S.D. Singh, Advocate.
For Non-applicant	:	Shri Udhav Sharma, Govt. Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

29/10/2021

1. Applicants have filed this application under Section 439 Cr.P.C. for grant of bail as they have been arrested in connection with Crime No. 486/2020 registered at Police Station- Ghandhinagar, District- Surguja (C.G.) for the offence punishable under Sections 365, 302, 201, 34 IPC,
2. Case of the prosecution is that on 30.11.2020 at about 1:00 pm,

Ramkripal (since deceased) went to his agricultural field from his house and thereafter he did not return back. Missing report was lodged on 1.12.2020, based upon which, investigation was started. During course of investigation, dead body of Ramkripal was recovered from Hundrabhada forest. Based on the statement of the witnesses recorded by the police, the applicants have been arrested on 12.1.2021.

3. Shri S.D. Singh, learned counsel for the applicants submits that the applicants have been falsely implicated in the case. There is no specific material/evidence available in challan to connect the applicant in the aforementioned crime. He further submits that the statement of witnesses Budhnath has been recorded after much delay on 1.12.2020 and thereafter memorandum statement of Gangaram on 12.1.2021. He submits that even if the allegation as appearing in challan, seizure of axe is from one accused person Gangaram only and there is no other material available against applicants No. 2 & 3. No offence as alleged could be made out against them. Therefore, learned consul for the applicants submits that the applicants may be enlarged on regular bail.
4. Shri Udhav Sharma, learned counsel for the State submits that during course of investigation, the investigating agency recorded statement of Santoshi and Mahendra who are eyewitnesses. Santoshi, Akshay and Mahendra are witnesses to the assault by the applicants to deceased in his agricultural field on 30.11.2020 and further the witness Budhnath has seen four persons travelling on motorcycle and out of them, one person put his hand over mouth of one of the rider of the motorcycle sitting in between. The

motorcycle was going towards Hundrabhada forest and dead body was recovered from Hundrabhada forest. There are ample material available against applicants in challan, therefore, the applicants are not entitled to grant of bail.

5. Taking into consideration nature of allegations, submission made by learned counsel for the parties, statement of witnesses recorded under Section 161 Cr.P.C, I do not find present to be a fit case for grant of bail to the applicants.
6. The application is accordingly rejected.

Sd/-
(Parth Prateem Sahu)
Judge