

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6928 of 2015

1. Pawan Kumar Gotiya, S/o. Shri Phoolchand Gotiya, aged about 23 years, R/o. Village-Taraigaon, Police Station – Gourella, Tehsil – Pendraroad, Civil and Revenue District – Bilaspur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station, Gourella, Civil and Revenue District – Bilaspur, (C.G.)

---- Respondent

For Applicant	: Mr. Ashok Soni, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.215/2015, registered at Police Station – Gourella, District – Bilaspur (C.G.) for the offence punishable under Section 302, 201 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a dead body of one Fulbai was found on 16.07.2015 and FIR was registered. Subsequently during the investigation, it was found that the applicant had relation with the deceased and the deceased was called by the applicant, since the marriage of the applicant was performed with the other girl, the deceased used to torture him. Subsequently, the applicant called the deceased and killed her by blow on her head by stone.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that even the alleged seizure of the stone by which the death was caused do not bear the blood stains. He would further submit that only on the basis of presumption, the applicant has been falsely implicated in this case and no evidence is available against this applicant. He would further submit that the applicant is in jail since 21.07.2015, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and would submit that at the instance of the applicant, marksheet of the deceased was seized from the applicant.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have perused the case diary. Prima-facie it appears that though the articles whereby the death was caused was seized but the charge sheet do not show that it contains the blood stains. Considering the evidence available against this applicant and in the facts of the case as the entire allegations are on presumption and bleak circumstantial evidence, which is to be established during trial, at this stage considering the material available in charge sheet, without any observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram