

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4610 of 2016

1. Manendra @ Mahendra Khunte, S/o. Dorilal, Aged About 25 Years,
2. Tuleshwari Banjare, W/o. Late Suresh Banjare, Aged About 20 Years, R/o. Village Menetara, Police Station Hasaud, District (Revenue & Civil) Janjgir Champa, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Sarsiwan, District (Revenue & Civil)
Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicants : Mr. Vineet Kumar Pandey, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.43/2016 registered at Police Station- Sarsiwan, District (Revenue & Civil) Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 302 of Indian Penal Code.
2. As per the prosecution case, on 01.05.2014 one Suresh Kumar was murdered by administering poison and it is alleged that the applicant No.1 Mahendra who was in illicit relation with the wife of the deceased Suresh Kumar i.e. Tuleshwari, applicant No.2, committed murder of Suresh Kumar.
3. Learned counsel for the applicants would submit that the incident was happened in the year 2014 and in the year 2016, the FIR was registered and virtually there is no evidence available against the

present applicants and the witnesses have been examined in this case and they have not supported the case of the prosecution; therefore, all the witnesses have turned hostile, therefore, the applicants may be enlarged on bail as no evidence is available against them.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statements of Kushram, Gangabai, Nageshwar, Laxmin Banjare, Sarita Banjare and Devkumar, which reflects that they have not supported the case of the prosecution and they have turned hostile. Considering such statements and the degree of allegation against the applicants, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge