

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4542 of 2016

Roshan, S/o. Dasru Ji Tekam, Aged About 27 Years, R/o. Murkudo No.3,
Post Darrekasa, P.S. Salekasa, District Gondiya (Maharashtra).

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Bortalab, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.P.Singh, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.13/2014 registered at Police Station- Bortalab, District Rajnandgaon (C.G.) for the offence punishable under Section 302, 307, 120-B, 34, 147, 148, 149 of Indian Penal Code.
2. As per the prosecution case, one Mukesh Ujjwane was murdered by Devendra Mankar as they had some dispute and therefore, Devendra with the help of the present applicant and other co-accused has committed murder.
3. Learned counsel for the applicant would submit that Devendra has been enlarged on bail by the co-ordinate Bench of this Court in M.Cr.C. No.3723 of 2016 on 27.06.2016 and there is no evidence available against the present applicant as the memorandum and seizure witness namely Santosh & Gajendra, who have been

examined as PW-1 & PW-2 have turned hostile and therefore the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the fact that the witness Santosh & Gajendra have turned hostile and further taking into fact that the other co-accused Devendra has been enlarged on bail by the co-ordinate Bench, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge