

HIGH COURT OF CHHATTISGARH, BILASPUR**MCrC No. 3723 of 2016**

Devendra Mankar S/o Faguram Mankar, aged about 34 years, R/o Village Chhindijob, PS Bortalab, Civil & Revenue District Rajnandgaon (CG).

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police of Police Station Bortalab, District Rajnandgaon (CG).

---- Respondent

For Applicant	Shri BP Singh, Advocate.
For Respondent/State	Shri B Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****27/06/2016**

1. This is the fourth bail application filed under Section 439 of the Cr.P.C. 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, for the offence punishable under Sections 302,307,120-B/34,147,148 and 149 IPC.
2. Case of the prosecution, in brief, is that the applicant was involved in murder of one Mukesh Ujwane as with the help of deceased Mukesh Ujwane, the applicant's Car was seized by th forest department.
3. First bail application was withdrawn on 18.08.2014 with liberty to revive after some time. The second bail application came up for

hearing on 02.13.2014 which was again withdrawn with liberty to revive the same after examination of witnesses before whom extra judicial confession was said to be made i.e. Brishbhan Mandaviut (PW-6). Subsequently, third bail application was filed, however, as Motilal Uike and Mahesh Uike were yet to be examined before whom also extra judicial confession was made as per the prosecution, the same was also withdrawn with liberty to revive after examination of said Motilal Uike and Mahesh Uike.

4. Learned counsel for the applicant submits that these two witnesses Motilal Uike and Mahesh Uike have also examined as PW-14 and PW-15 respectively and both the witnesses have not supported the case of prosecution and have turned hostile; the applicant is in detention since 29.03.2014, and therefore, he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Considering the total facts and circumstances of the case and the fact that material prosecution witnesses before whom extra judicial confession was made have not supported the case of prosecution and also taking note of the fact that the applicant is in detention since 29.03.2014 i.e. two years and three months, this Court is of the opinion that present is the 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 furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(P.Sam Koshy)
JUDGE

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