

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.435 of 2016

Pawan Ku. Rathia, S/o Shukdev Rathia, aged about 19 years,
Occupation Farmer, R/o Village Budadand, P.S. & Tah. Pathalgaw, Distt.
Jashpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Dharamjaigarh, Distt.
Raigarh (C.G.)

---- Non-applicant

For Applicant:	Mr. Vineet Kumar Pandey, Advocate.
For Non-applicant:	Mr. Neeraj Kumar Sharma, Deputy G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.253/2015, registered at Police Station Dharamjaigarh, Distt. Raigarh, for the offence punishable under Sections 302, 201 read with Section 34 and 120B of the IPC.
2. Case of the prosecution, in brief, is that the applicant along with three other co-accused persons murdered Bambeshwari and they have also buried the dead body of the deceased on 24-5-2015.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, it is Mohan Rathia who has committed murder of Bambeshwari, as he has illicit relation with Bambeshwari and the applicant can be charged for the offence under Section 201 of the IPC for causing disappearance of the evidence of the offence of

murder and similarly situated co-accused Vinod Kumar Rathiya has been released on bail by a coordinate Bench of this Court vide order dated 5-1-2016 passed in M.Cr.C.No.7336/2015 and Ghanshyam Rathiya, another co-accused, has also been released by the same coordinate Bench on bail vide order dated 29-1-2016 passed in M.Cr.C.No.314/2016. The present applicant is in jail since 26-8-2015 and charge-sheet has been filed. No custodial interrogation of the applicant is required.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicant, the offence of murder is said to have committed by Mohan Rathiya and co-accused persons have been released on bail, I consider it a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge