

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3631 of 2016

Daulat Patre S/o Badri Prasad Patre, Aged About 23 Years, R/o
Village - Chirauti, Police Station - Patharia, District - Mungeli
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer Police
Station - Patharia, District Mungeli Chhattisgarh .

---- Respondent

For applicant - Shri Goutam Khetrapal, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/07/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.240/2015 registered in Police Station Patharia, District Mungeli (C.G.) for offence punishable under sections 147, 148, 149, 302/201 of Indian Penal Code.
2. As per the prosecution case on 13/09/2015 deceased Mithilesh went to his field and thereafter he did not come back and missing report was made on 15/09/2015 by son of the deceased. Subsequently, on 19/09/2015 dead body of the deceased was found.
3. Learned counsel for the applicant submits that the applicant has been inculpated only on the memorandum statement of witnesses Durga Prasad and Hemraj and no recovery has been made as the witnesses have turned hostile. He relied on the documents statement of Durga Prasad and Hemraj and would submit that under the circumstances no evidence is existing against the applicant, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however he is not able to dispute the fact that seizure witnesses Durga Prasad and Hemraj have turned hostile, they are not supporting the case of the prosecution.

5. Taking into such fact, without further observation on the merits, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE