

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4532 of 2016

Parmeshwar Chouhan, S/o. Tikaitram Chouhan, Aged About 19 Years,
Occupation- Laborer, R/o. Village - Kharra, P.S. - Chhal, District - Raigarh,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- S.H.O. Of Police Station- Chhal, District –
Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Saraf, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

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.80/2014 registered at Police Station- Chhal, District Raigarh (C.G.) for the offence punishable under Section 302, 376, 34 of Indian Penal Code.
2. As per the prosecution case, on 04.09.2014 one Janki Bai was raped and thereafter she was murdered. It is the case of the prosecution that the husband of the deceased along-with the applicant has committed sexual assault and thereafter committed rape and murder.
3. Learned counsel for the applicant would submit that the applicant has been inculpated only on the basis of memorandum, no evidence is available against this applicant and he has been falsely implicated. He further submits that the seizure witness have been examined and they have not supported the case and on that basis

another co-accused Ramnarayan has been enlarged on bail on 04.07.2016 in MCRC No.861 of 2016 and the case of the present applicant is also similar, therefore, he 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 order dated 04.07.2016 passed in MCRC No.861 of 2016 wherein Ramnarayan has been extended the benefit of bail on the ground that the seizure witness have not supported the case of the prosecution. Considering the fact that no seizure has been made from the applicant and the co-accused Ramnarayan has been enlarged on bail as the seizure witness have not supported the case, 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