

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3470 of 2017

1. Smt. Fulbasiya W/o Ramprasad Gond, Aged About 40 Years R/o Village Udhnapur, Paschim Para, Police Station Kahadgawa, District- Korea, Chhattisgarh.
2. Ku. Kaushilya D/o Ramprasad Gond, Aged About 21 Years R/o Village Udhnapur, Paschim Para, Police Station Kahadgawa, District- Korea, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station Khadgawa, District- Koriya, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate.
For Respondents/State	:	Smt. M. Asha, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/06/2017

1. The applicants are in jail since 15.06.2016 in connection with crime No. 96/2016 registered at Police Station Khadgawan, District Korea (C.G.) for commission of offence punishable under Sections 302/34 and 201 of the I.P.C.
2. There are four accused persons. Two of the accused persons, namely, Sonkuwar and Premvati have already been enlarged on bail by the coordinate Bench of this Court vide order dated 11.04.2017 passed in M.Cr.C. No.1837/2017.
3. Case of the prosecution, in brief, is that the husband and father of applicants No. 1 & 2 respectively was allegedly having illicit relationship with the deceased Parvati. This was opposed by the family members. On the date of incident, i.e., intervening night of 11-12/06/2016, Ram Prasad, the husband and father of the

applicants, was found with the deceased in the field under a tree and when the present applicants along with the other co-accused persons reached the spot and caught hold of the deceased and Ram Prasad ran away from the spot. Subsequently, on the next date, the dead body of the deceased was recovered from the field.

4. Learned counsel for the applicants submits that the cause of death of the deceased was strangulation. In all, there were 4 accused persons and there is no direct allegation made by the eyewitnesses in so far as having witnessed the present applicants of strangulating the deceased. He further makes a statement that Ram Prasad was the only eyewitness and he has turned hostile and not supported the case of the prosecution. He further submits that two of the accused persons, namely, Sonkuwar and Premvati have already been granted bail. He also submits that allegations levelled against the present applicants are similar in nature as against the two co-accused persons, who have been enlarged on bail.
5. On the other hand, the learned State Counsel, on due verification of case diary and the facts and circumstances of the case, does not dispute these facts and also accepts the fact that except for the statement of eyewitness Ram Prasad, there is no other eyewitness to the incident and she also does not dispute the fact that Ram Prasad has not supported the case of the prosecution during trial.
6. Having considered the submissions and facts and circumstances of the case, particularly, taking into consideration the fact that the statement of the eyewitness before the Court below and the fact that the co-accused persons have already been enlarged on bail, this Court is of the opinion that it is a fit case for grant of bail.

7. Accordingly, the present bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that in case if the applicants furnish personal bond for a sum of Rs.25,000/- with one surety of the like amount each to the satisfaction of the concerned trial Court, then they shall be released on bail. The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(P. Sam Koshy)
V. Judge

/Anjani/