

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4153 of 2017

Kanhaiya Lal S/o Sonu Ram Mahakul, Aged About 45 Years Occupation Agriculture, R/o Village Libra, Police Station & Tahsil Lailunga, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Lailunga, District Raigarh, Chhattisgarh.

---- Respondent

Shri Manoj Jaiswal, counsel for the applicant/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/11/2017

Heard.

The applicant has been arrested in connection with Crime No.59/2017 registered at Police Station – Lailunga, District – Raigargh (CG) for alleged commission of offences under Section 302, 201/34 of IPC and under Section 3 (2) (5) of the SC / ST Act.

2. Case of the prosecution is that the co-accused Tikeshwar who had an affair with the deceased girl Lalima killed her by strangulating. The allegations against the present applicant is that after Tikeshwar murdered Lalima, the applicant, who happens to be the father of the co-accused, took the dead body nearby the canal and buried it.

3. Learned counsel for the applicants submits that even if the entire case of the prosecution is accepted as it is, the only allegation against the applicant is that after his son murdered Lalima, the applicant accompanied his son to dispose off the dead body by burying it near canal. He further submits that in the charge sheet, statements of seizure witness has not been attached which shows that the seizure

witness statement under Section 161 CrPC was not taken.

4. On the other hand, learned State counsel opposes bail application and submits that as far as present applicant is concerned, the memorandum of the present applicant was taken by the police and on the basis of his memorandum, dead body was recovered near canal. Therefore, on the basis of this recovery, the applicant is involved in the alleged commission of offence.

5. In the present case, involvement of the applicant is based only on the basis of memorandum which is alleged to have been recorded and dead body recovered. The memorandum of the applicant and statement under Section 161 CrPC of the prosecution witnesses shows that Tikeshwar has confessed having committed murder of the deceased girl Lalima.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that even according to the case of the prosecution the applicant is involved in so far as commission of offence under Section 201 IPC is concerned and there is no allegation of applicant having murdered the deceased, I am inclined to grant bail to the applicant.

7. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge