

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4690 of 2017**

- Hamid Raza Ansari Alias (Sonu) S/o Gulam Aged About 20 Years R/o Village Batwahi, Police Station & Tahsil Lundra, District Surguja Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Dhourpur, District Surguja Chhattisgarh.

---- Non-applicant

For Applicant : Mr. V.K. Pandey, Advocate.

For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01.11.2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the copy of the case diary provided by the learned counsel for the applicant in connection with crime No. 15/2017 registered at Police Station – Dhourpur, District – Surguja (C.G.) for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code read with Section 3(2)(V) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
3. Case of the prosecution, in brief is that on 09.03.2017 Manoj Singh intimated the Police Station Dhourpur that on 08.03.2017 in the evening Jagar Korwa had intimated him that he has seen one female dead body in burnt condition in Phoola Pani jungle. After registration of the merg intimation, the female dead body was recovered from the dike

of the said jungle. Ultimately, the said dead body was identified by Jagdish as his wife Fulmatiya Bai. During the investigation accused Mohd. Rustam Ansari gave a memorandum and on the basis of it some incriminating articles, pair of sandals and broken pieces of mobile of the deceased have been seized. During the investigation memorandum of the applicant has also been recorded where he gave the intimation that one motor cycle is in his house, which was recovered.

4. Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in the case, therefore, he may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Looking to these circumstances and other facts of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, applicant is in custody since 25.03.2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.

7. Accordingly, the bail application is allowed.

8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till conclusion of the trial and will cooperate during the trial, he shall be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE