

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5292 of 2017

1. Vomesh Banjare S/o Yajendra Banjare, Aged About 19 Years R/o Village Damari, Police Station Khairagarh, Civil & Revenue District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Acting Through Officer In Charge, Police Station Khairagarh, Civil & Revenue District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant

Shri Devesh G. Kela, Advocate

For Respondent/State

Shri Sangarsh Pandey, Dy. Govt. Adv.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

4/12/2017

1. Heard.
2. The applicant has preferred this application filed under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.342/2016 registered in Police Station Khairagarh, District Rajnandgaon, for offence punishable under Section 302 & 201/34 of the Indian Penal Code.
3. The applicant along with co-accused Yajendra Banjare has allegedly committed the murder of Usha Banjare (since deceased) on 3-10-2016. Applicant is the son and the co-accused Yajendra Banjare is the husband of the deceased. As per the prosecution case both of them reached the house in the night of 3-10-2016 in a heavily drunken state on which the deceased shouted on them.

Both the accused persons became enraged and being out of control Yajendra dashed the deceased against an iron grill on which she fell down. Thereafter, present applicant tried to suffocate the deceased by tying her saree over her neck and when she tried to raise alarm he gagged her mouth by the same saree. When this applicant gagged the mouth of the deceased, Yajendra throttled the deceased.

4. There is no eyewitness to the crime in question. Rahul Banjare is the witness in whose presence the accused persons made extra judicial confession, however, this witness has turned hostile while examined in the Court. Deposition of other witnesses have also been filed along with the bail application. Almost all the witnesses so far examined have turned hostile.
5. Learned counsel appearing for the State would oppose the bail application.
6. Considering the facts and circumstances of the case; particularly considering the nature of evidence against the applicant; and further considering the fact that the applicant is in detention since 9-10-2016, this Court is inclined to release the applicant on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Judge

Prashant Kumar Mishra

Gowri