

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5884 of 2017

Pradeep Kumar Keshar S/o Mohanlal Keshar Aged About 34 Years R/o
Village Khursi, Police Station Lalpur District Mungeli Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station City Kotwali Mungeli (In The
Order Impugned Wrongly Written As Police Station Lalpur) District Mungeli
Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajesh Jain, Advocate

For Respondent : Mr. Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

22/11/2017

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. 417/2017 registered at Police Station- City Kotwali, Mungeli, (wrongly written as P.S. Lalpur), District Mungeli (C.G.) for the offence punishable under Sections 302/34 of the IPC.
2. As per the prosecution case, on 14.07.2017 the applicant and other two accused persons namely Santosh and Omprakash trunk liquor and beaten to deceased Ashok Yadav and set him on fire and during the course of treatment the deceased died in the hospital.
3. Counsel for the applicant submits that in the confessional statement of Santosh Dhruv there is no evidence against the applicant to connect him with the commission of crime and confessional statement made before the police by Santosh Dhruv is only for

purpose of discovery of fact under Section 27 of the Indian Evidence Act.

4. Per contra, learned State counsel opposes the prayer for grant of bail and submits that there is prima-facie evidence against the applicant and he is not entitled for bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, that the confessional statement of co-accused Santosh Dhruv is confined to discovery of fact, without further commenting anything on its merit, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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/-
(Ram Prasanna Sharma)
Judge

Santosh

