HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6431 of 2017

1. Panchwati Yadav & Ors. W/o Shri Raychand Sona, Aged About 50 Years R/o Near Kalinagar, Police Chowki, Police Station Civil Line Raipur District Raipur Chhattisgarh.

2. Ajay Verma @ Chhotu, S/o Bhoopsingh Verma, Aged About 23 Years R/o Keshla Palari, District Balodabazar Chhattisgarh.

3. Jagannath Yadav @ Jagdev, @ Molu, S/o Kritram Yadav, Aged About 21 Years R/o Keshla Palari, District Balodabazar Chhattisgarh.

---- Applicants

Versus

- The State Of Chhattisgarh Through Station House Officer, Police Station Vidhansabha, Raipur District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. P.P. Sahu, Advocate.
For Respondent/State : Mr. Ashok Swarnkar, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/11/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 71/2017, registered at Police Station- Vidhansabha, District – Raipur(C.G.) for the offence punishable under Sections 302/34 & 120B of the Indian Penal Code (for short 'IPC').

2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicants are in jail since 1.4.2017. The charge-sheet has been filed after completion of investigation. There is no evidence of prosecution to make out a

case of murder and conspiracy against the applicants. Applicants have been implicated only on the basis of memorandum statement which is not admissible statement before the trial Court, hence, prayed that applicants be enlarged on regular bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit, that applicants are charged for heinous offence of murder, hence, for these reasons they are not entitled for grant of bail.

4. Heard both the parties and perused the case diary.

5. The facts of the case are these, that dead body of Raichand Sona was found on 30.3.2017. Morgue intimation was recorded in PS-Vidhansabha. In postmortem, the death was reported homicidal in nature, thereafter, FIR was lodged against unknown persons. Applicants were taken into custody after recording their memorandum statement and making recoveries. The case was registered against them, which is now before the trial Court.

6. The only recovery from applicant No.2 Ajay Verma is currency notes and from applicant No.3 is his own clothes, which has been sent for FSL examination but no report is there in the case diary about presence of any blood stains. There are no eyewitnesses of the incident.

7. Taking into consideration the other evidence that is proposed to be produced against the applicants in the trial, I am of this view that this appears to be a fit case where the applicants should be enlarged on bail.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- each with one

surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha