

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 7514 of 2016**

1. Dev Kumar Yadav, S/o. Hari Yadav (wrongly mentioned Hariyad in the impugned order), aged about 34 years, R/o. Village- Tarkakhand Masapara, Police Station – Balrampur, District – Balrampur – Ramanujganj (C.G.)

----Applicant

**Versus**

1. State Of Chhattisgarh, Through : the Police Station Officer, Police Station – Balrampur, District – Balrampur-Ramanujganj (Chhattisgarh)

---- Respondent

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|----------------------|---|----------------------------------|
| For Applicant        | : | Mr. V.K. Pandey, Advocate        |
| For Respondent/State | : | Mr. U.K.S. Chandel, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**02/01/2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.166/2014, registered at Police Station – Balrampur, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 302, 201 and 177 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the wife of the applicant, Lakhpatiya Bai was murdered by throttling, thereafter, the applicant threw her dead body into the pond. Morgue report was made by the present applicant, who is the husband of the deceased that his wife died due to drowning and after investigation it is found that cause of death was throttling. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that there is no direct evidence against the applicant and the prosecution witnesses have not supported the case of the prosecution and they have turned hostile, therefore, under these circumstances, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of son- Lal Mohan Yadav and also perused the statement of the witness before whom the extra judicial confession have been made, they have also not supported the case of the prosecution. Taking in to such fact without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.
9. Certified copy as per rules.

**Sd/-**  
**(Goutam Bhaduri)**  
Judge