

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6936 of 2017**

- Vikas Nishad S/o Ram Balak Nishad Aged About 30 Years R/o Bhilai Power House, Police Station Chhawni, District Durg Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer , Police Station Torwa District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	Mr. CK Kesharwani, Advocate
For Respondent /State	Mr. Adhiraj Surana, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/12/2017**

1. Heard.
2. This is an 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.178/2017, registered at Police Station Torwa, District Bilaspur (CG) for the offence punishable under Section 307/302 of IPC.

3. The applicant has allegedly committed murder of deceased Pari @ Rita Nishad on 29.5.2017.
4. It is argued by learned counsel for the applicant that the applicant is a resident of Bhilai Power House, District Durg, whereas, the deceased was residing at Torwa, Bilaspur and there is no evidence that on the date of the incident, the applicant had visited the residence of the deceased.
5. Learned counsel for the State would oppose the bail application and submit that one Sunil Ahuja has seen the present applicant in the company of the deceased soon before her dead body was found on the floor of the ready-made shop.
6. The case diary would indicate that the applicant was residing separate from his wife Pari @ Rita Nishad (deceased) for last 2 years. The prosecution has collected call details of the Mobile SIM of the deceased, wherein, she has allegedly spoken to one Deepak Singh on 'n' number of times every day including the date of the incident. However, the call details of the Mobile SIM of the applicant available in the case diary would not indicate that on the date of the incident the applicant was present at or connected with the mobile tower of the place of the incident.
7. Considering the fact that there is no eye-witness to the crime and the quality of circumstantial evidence as also for the reason that the investigation is complete as the charge sheet has already been filed, this Court is inclined to release the applicant on regular bail.

8. Accordingly, the application is allowed and the applicant is directed to be released on bail on his 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.

9. Certified copy as per rules.

Sd/-

Judge

(Prashant Kumar Mishra)

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