

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 196 of 2017

- Rajkamal @ Chintu S/o Kunwar Say Aged About 19 Years R/o Lau, Police Station Rajpur, District Balrampur- Ramanujganj, Chhattisgarh. ----- Applicant

Versus

- State of Chhattisgarh through Police Station Shankargarh District Balrampur- Ramanujganj, Chhattisgarh. --- Respondent

For the applicant	:	Mr. A. K. Yadav, Advocate
For the Respondent	:	Mr. Sangharsh Pandey, Panel Lawyer

Hon'ble Shri Justice P. SAM KOSHY

Order on Board

23.02.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the present applicant who is in jail since 13.11.2015 in connection with Crime No. 112 of 2015 registered at P.S. Shankargarh, Distt. Balrampur Ramanujganj (C.G) for the offence punishable under Section 302 IPC.
2. As per the prosecution case, the applicant is said to have called the deceased by mobile then she is said to have been taken to the place of incident and after committing rape, the applicant is said to have strangled her to death and hanged the body on a tree and thereafter he has projected the incident to be a case of suicide. The postmortem report however has confirmed the fact that the death is homicidal and the cause of death is asphyxia due to strangulation.

3. Learned counsel for the applicant at this juncture submits that most of the material witnesses have already been examined by the prosecution before the Court below during trial and none of them have supported the case of prosecution and therefore the present applicant who is in jail for more than about 15 months may be enlarged on bail.
4. Learned State Counsel opposes the bail application on the ground that a few more material witnesses are still to be examined like Kavi Ram and Choye Paikra who have also given statements during the course of investigation to prove the fact that before the incident the present applicant is the person who was last seen with the deceased or at least he made the last call to the deceased.
5. Having considered the contentions put forth by either side and on perusal of the records it would reflect the fact that all material witnesses examined till now have not supported the case of prosecution and two material witnesses referred by the State Counsel from case diary i.e., Kavi Ram and Choye Bai also do not in any manner directly or indirectly reflect any act to have been committed by the applicant by which it could be said that he can be blamed for commission of offence of death of deceased as neither of two persons have seen the applicant with the company of the deceased nor they have any direct information in respect of the applicant being in the company of the deceased before the incident. Therefore, I am of the considered view that it is a fit case to grant the bail to the applicant at this stage.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal

bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
P. SAM KOSHY
JUDGE**

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