

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3102 of 2017

- Laxmi Dayal Jagade S/o S/o Dhan Sai Aged About 38 Years R/o Village Chhata, Police Station Lalpur, Tahsil And District- Mungeli, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through: The Station House Officer, Police Station Lalpur, District-Mungeli, , Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Rajesh Kumar Dubey, Advocate
For Respondent/State : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-05-2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 10-11-2016 in connection with Crime No. 159 of 2016, registered at Police Station Lalpur, District Mungeli (CG) for the offence punishable under Sections 302 and 201 of the IPC.
2. Case of the prosecution, in brief, is that on 17.09.2016 the deceased Prahlad @ Raja had stolen Rs.500/- from his father's pocket i.e. applicant, therefore, being enraged, the applicant searching for him and when found killed him and thereafter took the body to the field and thrown acid to his face and hide the Club which was used to commit murder in the pit of the field and subsequently a missing report was made by him.
3. Learned counsel appearing for the applicant would submit that this is second bail petition, earlier first bail petition was dismissed on 31-1-2017 on merits. He would further submit that out of 29 witnesses 15 witnesses

have been examined and they have not supported the case of prosecution. There is no direct evidence against the applicant and only on circumstantial evidence, the case is based on and even the memorandum witnesses Ram Lakhan and Radheshyam Jaiswal have not supported the case of prosecution and from the statement of witness Lakkhu which has been filed today, it appears that he has not supported the case of prosecution. therefore, he may be enlarged on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he was not able to dispute the fact that memorandum witnesses have not supported the case of prosecution.
5. I have heard learned counsel for the parties, perused the case diary and other documents
6. Taking into consideration the facts and circumstances of the case and further considering the memorandum statements of witnesses Ram Lakhan and Radheshyam who have not supported the case of prosecution and also considering the statement of witness Lakkhu, without any further observation on the merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju