

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7626 of 2017

- Manoj Kashyap S/o Panchram Kashyap, Aged About 28 Years, Caste Kurmi, R/o Village Kudkai, Police Station Pendra, District Bilaspur, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Goutam Khetrapal, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court by the applicant for regular bail. His first bail application was dismissed as withdrawn. The applicant has been arrested on 02-05-2017 in connection with Crime No.38/2017 registered at Police Station Marwahi, District Bilaspur, Chhattisgarh for the offence under Section 302, 201, 120-B, 34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant has no connection with the crime committed. The applicant has been arrayed as accused in this case only on the basis of his own memorandum statement. It is further submitted that the independent witnesses of memorandum and seizure have turned hostile. The applicant is in jail since 02-05-2017. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the applicant is charged with heinous offence of murder and his own memorandum statement clearly states about his involvement. It is further submitted that there are other witnesses

remained to be examined before the trial Court who can establish the case against this applicant. Hence, it is prayed that the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. As the case is, on 09-03-2017 dead body of one unknown person was found near Hathgedi nala. After inquest procedure the dead body was found as that of Ramvishal Dipankar, on the basis of which FIR was lodged and offence was registered against unknown person. On the basis of memorandum statement of this applicant, ATM card of the deceased was recovered from his possession. After completion of the investigation charge sheet was filed.

6. Considered on the submissions made and contents of the case diary.

7. Recovery of ATM card from this applicant shows his connection with the deceased, but to show his connection with the offence further evidence is a requirement. Perused the certified copy of the statements of the witnesses who have turned hostile and not supported the case. In the present circumstances and the development that has taken place, I am of this view that the applicant should be released on bail during pendency of the trial of the case against him.

8. Consequently, the application (MCRC No.7626/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge