

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7747 of 2017**

- Sunil Nirmalkar S/o Kishanlal Nirmalkar, Aged About 34 Years, R/o Shitalapara, Bhilai- 3, District Durg Chhattisgarh , Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Bhilai - 3, District Durg Chhattisgarh , Chhattisgarh

**---- Non-applicant**

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For Applicant – Mr. Prasoon Agrawal, Advocate.

For Non-applicant/State – Ms. K. Tripti Rao, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**23-02-2018**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 05-08-2017 in connection with Crime No.258/2015 registered at P.S. Bhilai - 3, District Durg, Chhattisgarh for the offence under Section 302 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, only on the basis of the suspicious evidence on record of the prosecution case. No case is made out against this applicant. The applicant is in jail since 05-08-2017. He is ready to abide by all the conditions to be imposed on grant of bail. Hence, the applicant may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that there is sufficient evidence against this applicant for his prosecution for the charge of offence of murder. Hence, no case is made out for grant of bail.

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

5. As the case is, deceased Buddhabai was found dead on 01-08-2017 in her house where she lived alone. After conducting inquest, the FIR was lodged on 04-08-2017, on the basis of circumstantial evidence found against the applicant.

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

7. Considered on the material in the charge sheet, only evidence on the point of last seen together, is that the applicant was seen going towards the house of the deceased and rest of the circumstantial evidence is based on recovery and seizure at the instance of this applicant, there is no FSL report in record of the case diary. Considering on the totality of this case, I am of this view that the applicant should be benefited with grant of regular bail during pendency of the trial against him.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail 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**