

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1175 of 2018

Santosh Nayak S/o Mahatru Nayak, Caste- Banjara, Aged about 30 years, R/o Near Bhagat Singh Chowk, Purani Basti, Ward No.11, Janjgir, Police Station- Janjgir, District- Janjgir- Champa (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station- Bilaigarh, District- Balodabazar- Bhatapra (C.G.)

---- Respondent

For Applicant	:	Mr. Sumit Jhanwar, Advocate
For Respondent	:	Mr. Sameer Behar, PL

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

24/04/2018

1. The applicant has preferred this application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 119/2017 registered at Police Station- Bilaigarh, District- Balodabazar- Bhatapara (C.G.). for the offence punishable under Sections 302 and 120-B/34 of IPC.
2. As per the prosecution story, deceased- Shiv Kumar Rathore was the husband of co-accused Pushplata Rathore. It is alleged that there was some love affair/illicit relation between present applicant and co-accused, wife of the deceased. The dead body of deceased was found on 24/03/2017. On receiving information, the police registered merg intimation and on the basis of merg enquiry, police has registered the offence of murder and conspiracy against the applicant and co-accused, Pushplata.
3. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocence and has been falsely implicated in the present case. He further submits that on the basis of memorandum of this applicant, one motor-cycle has been seized from his possession. Apart from that, there is no evidence against him. He further submits that there is no direct evidence of conspiracy against the applicant in this case. It has been further submitted that co-accused, Pushplata has already been released by the order passed in MCRC No. 4439/2017 on 30/10/2017 by the coordinate bench of the High Court and the case of the present applicant is similar nature. Hence, it is prayed that the applicant may be enlarged on bail.

4. Learned counsel appearing on behalf of the State opposes the bail application and submission. He submits that apart from recovery of motor-cycle from the present applicant, there is no direct evidence against the present applicant.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly considering that co-accused, Pushplata has already been released on bail, without further commenting on merit of the case, this court is inclined to release the applicant on bail.
7. Accordingly, MCRC. No.1175/2018 is allowed. It is directed that the applicant shall be released on bail on 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. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
Judge
Arvind Singh Chandel