

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1395 of 2018**

Manish Kumar Yadav, S/o. Shri Sudama Prasad Yadav, Aged About 21 Years,
Occupation - Student, R/o.- Gandhinagar, P.S. Gandhinagar, Tahsil-
Ambikapur, District- Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Police Station Utai, District- Durg,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Tripathi, Advocate

For State/respondent : Mr. Aaditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**20/04/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.382/2017, registered at Police Station – Utai, District – Durg (C.G.), for the offence punishable under Section 302, 201, 394 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Charge-sheet has been filed after completion of investigation. According to the investigation in this case, no case is made out against this applicant and the applicant has been implicated only on the basis of the

memorandum statement, which is not legally admissible. Applicant was present in Ambikapur, the place of his residence on the date of incident on 14.10.2017. Although he made a call to the deceased on that date, this by itself can not be a ground to assume that he was present at Durg, when the offence was committed. There is no other evidence apart from that. Seizure of car and some other articles of the deceased from this applicant is not sufficient to connect the applicant with the murder of the deceased. Hence, under these circumstances, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the deceased and the applicant had illicit relationship and according to the circumstantial evidence present in the case, it was the applicant who has murdered the deceased and disposed off her dead body and also committed loot of the articles present in her possession. Hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the case of the prosecution, Jasvinder Singh, who is the husband of the deceased – Kuldeep Kaur, filed a missing complaint in police station – Utai, District – Durg stating that his wife had left the house with her car at about 4.00 PM, stating that she is going to beauty parlor but she did not return. In the morning on 15.10.2017, the husband of the deceased received anonymous phone call informing that one dead body of female has been found near the boundary of CISF office. Jasvinder Singh reached on the spot informed and found

the dead body of his wife and gave morgue intimation to the police. After inquest, FIR was lodged. During the investigation, the applicant was apprehended and he has made memorandum statement of confession before the police and car of the deceased and some other papers have been recovered from the possession of this applicant subsequently. Hence this case.

6. Considered on the submissions made and the contents of the case diary. After due consideration of the entire material present in the case diary and looking to the evidence i.e. proposed for the prosecution of the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge