

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1859 of 2018**

Rahul Satnami, S/o. Taran Banjare, Aged About 23 Years, R/o- Pendri, Tahsil- Sargaon, Police Station- Patharia, District- Mungeli, Chhattisgarh. At Present House Of Rahul, Pallav Bhawan, Ameri, Ward No. 18, Police Station- Chakarbhatha, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Mrs. Smita Ghai, Advocate on behalf of Mr. Goutam Khetrapal, Advocate
For State/respondent	: Mr. Aaditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**07/05/2018**

1. This is the second 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.478/2017, registered at Police Station – Civil Line, Bilaspur, District – Bilaspur (C.G.), for the offence punishable under Section 302, 397, 34 of the Indian Penal Code. The first bail application of the applicant is dismissed as withdrawn vide order dated 11.12.2017 with liberty to revive the same after examination of the material witnesses.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case and he has been prosecuted in this case in which there is no evidence against him. Only the statement that has appeared against this applicant is the memorandum statement given by co-accused Jitendra Yadav, which is

not legally admissible evidence. Similarly the recovery made on the basis of the memorandum statement of this applicant is of cash of Rs.100/- which is not a evidence to connect him with the crime committed, hence, it is prayed that the applicant may be enlarged on 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 looking to the allegation against the applicant, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, the dead body of the deceased Punaram was found on 23.06.2017. Mourners intimation was recorded. The brother of the deceased made statement that the deceased had left the house on the previous day with one Sanju Kumar Chaturvedi, who has not been arrayed as an accused in this case. Death of the deceased was homicidal in nature according to the postmortem report and subsequently during the investigation, co-accused Jitendra Yadav made statement under Section 27 of the Evidence Act, naming this applicant as one of the person associated in the commission of crime.
6. Considered on the submissions made and the contents of the case diary. The evidence against the applicant is mentioned herein above. After due consideration on all the material present in the case diary and looking to the evidence i.e. proposed for prosecution of this 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

Balram