

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 1914 of 2018**

Vinod Singh Chandravanshi S/o Mathura Singh Chandravanshi, aged about 50 years, R/o M.I.G. 215, near Bhuinya Pond, Kabirnagar, Raipur, District Raipur (CG)

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station – Nandni Nagar, District Durg (CG)

---- Respondent

For Applicant	:	Smt. Fouzia Mirza, Advocate
For Respondent/State	:	Shri Adhiraj Surana, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****25/04/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 05.10.2017 in connection with Crime No. 249/2017 registered at Police Station Nandni Nagar, District Durg (CG) for the offence punishable under Sections 302, 201, 120B of IPC.

2. The allegation against the present applicant, as per the prosecution, is that he in connivance with co-accused Chandrika Sahu is said to have murdered deceased Dinesh Agrawal on 29.08.2017 with the aid of an iron rod. The motive for the said act was that the applicant is said to have been in illicit relationship with co-accused Chandrika Sahu who on an earlier occasion had some intimate relationship with the deceased Dinesh. It is said that deceased Dinesh Agrawal had a small shop which he was operating along with co-accused Chandrika and the applicant wanted to eliminate Dinesh so that he could take over the shop and run the same with Chandrika with whom he had developed a relationship.

3. Counsel for the applicant submits that there is no direct evidence available against the applicant in the entire case diary except for the memorandum statement and the alleged recovery made on the statement of the applicant. She submits that an iron rod is alleged to have been recovered at the instance of the applicant but the same does not have blood stain with which it could be said that the same was used for assaulting the deceased. She submits that the body itself has not been identified beyond reasonable doubt of it to be that of deceased Dinesh as it was in a highly decomposed state on the date of recovery and the identification of the body has been done on the basis of the shirt which was on the body. The tag of the tailor which was on the shirt was identified by the cousin of the deceased who is said to have given the said shirt to the deceased. She further submits that except for this, there is no other material available with which the applicant has been implicated. Thus, prayed for grant of bail to the applicant.

4. State counsel, however, opposing the bail application submits that the recovery of the iron rod at the behest of the applicant is a substantial evidence. Moreover, the tower location of the applicant and the co-accused is said to be near the place of incident i.e. the place from where the body was found. He submits that there are other materials also regarding seizure available in the case diary and therefore, the present applicant does not deserve to be released on bail.

5. Having heard the contentions put forth on either side and on perusal of the record, admittedly a decomposed body was found in Shivrath river near village Sahgaon on 29.08.2017. The body was in a highly decomposed state and it was difficult to identify because of decomposition. The body is said to have been identified only on the basis of a tag of the tailor that too by the cousin brother of the deceased. The tailor whose tag

was reflected on the shirt is said to have made a statement of the tag being used by him about 5 years back and subsequently he has not been using such tag. Moreover, the alleged iron rod which is said to have been recovered from the place of incident at the behest of the applicant does not reflect any blood stain on it. The location of the deceased at the place of incident is also doubtful. Another aspect which cannot be lost sight is that the brother of the deceased submits that couple of months back he had met with an accident and there was an iron rod inserted on his leg. Autopsy was conducted on the body of the deceased but in the case diary, the said iron rod on the tibia of the deceased is not reflected.

6. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

7. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**