

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2087 of 2018

1. Rajat Gupta @ Lalu S/o Late Ramdas Gupta Aged About 17 Years
R/o- Ram Nagar, Shitla Pala Gali No. 1 Karma Chowk Gudhiyari,
District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Govind Manikpuri @ Gopi S/o Shivdas Manikpuri Aged About 17
Years R/o- Ram Nagar, Near Ranwa Kirana Stores, Gudiyari, P.S.-
Gadhiyari, Tahsil And District- Raipur, Chhattisgarh., District :
Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police
Station- Mana Camp, District- Raipur, Chhattisgarh., District :
Raipur, Chhattisgarh.

---- Respondent

For the applicant : Smt. Indira Tripathi,
Advocate

For the Respondent/State : Shri Anupam Dubey, Dy. GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16.05.2018.

1. This is the first bail application filed under Section 439 of the Code
of Criminal Procedure for grant of regular bail to the applicant, who
has been arrested in connection with Crime No.202/2017,
registered at Police Station –Mana Camp, District – Raipur, (C.G),
for the offence under Sections 302, 34 of the Indian Penal Code
and Sections 25, 27 of Arms Act.

2. Learned counsel for the applicants submits, that the applicants have falsely been implicated in this case and they are in jail since 18.11.2017. After completion of investigation the charge-sheet has been filed and the case is pending before the Sessions Court. There is no direct evidence present in the charge-sheet to implicate these applicants in the said commission of offences. The trial is likely to take some time for its completion, for this reason, it is prayed that the applicants may be released on bail.
3. Learned counsel for the State opposes the bail application and submits that the present applicants were equally involved in the said commission of offence, for this reason, that they not entitled for grant of bail
4. Heard counsel for both the parties and perused the case diary.
5. According to the prosecution case on 15.11.2017 deceased – (Balram Yadav) went missing and on 16.11.2017 his dead body was found. After inquest procedure, FIR was lodged against unknown persons and during the investigation these applicants and one another co-accused have confessed their guilt on interrogation. At their instance, blood stained clothes and one scooter was seized from the possession of applicant No.1. and one knife, bloods cloth or mobile phone has been seized from the possession of applicant No.2. There is no FSL report regarding blood on clothes and blood stains on knife, present in the case diary.
6. Considered on the submissions made and the contents of the case and also considered the statement of these applicants, who themselves confessed their guilt, which is not admissible in evidence. Secondly, the FSL report regarding blood on clothes is not available and that has been made basis for the prosecution of these applicants in this case. Thirdly, both applicants are Juvenile and are presently detained in the remand home, hence, for these

reasons, this Court is of the opinion that this is a fit case, where the applicants should be released on bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on furnishing of a personal bond by their father or lawful guardian for a sum of Rs.25,000/- for each of them with one local surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge