

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2302 of 2018**

Sadhe Kumar S/o Mantram Aged About 25 Years Caste- Gond, R/o- Village Gopalpur, (Bamnih), P.S.- Pali, Tahsil- Pali, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station- Katghora, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh.

---- Respondent

For the Applicant : Shri F.S. Khare, Advocate.
For the Respondent/State : Ms. M. Asha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.06.2018**

Heard.

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.11 of 2018, registered at Police Station – Katghora, District Korba, Chhattisgarh for the offence punishable under Section 302/ 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 9.1.2018 and has been falsely implicated in this case only on the basis of the memorandum statement given by co-accused – Rajendra Gond. Apart from that, there is no other statement of any witness. After completion of investigation, the charge-sheet has been filed. It is also submitted that there is no legally admissible evidence in this case. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is sufficient evidence against the applicant for prosecution of the offences registered against them. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, co-accused - Rajendra Gond had illicit affair with deceased – Ku. Sangeeta. It is alleged that on the date of incident, co-accused – Rajendra Gond throttled Ku. Sangeeta to death and at that time, the applicant was holding the feet of the deceased to help the main accused. It is a statement of co-accused – Rajendra Gond in memorandum before the police.

6. Considered the entire material present in the case-diary. Apart from the memorandum statement of the co-accused, there is no other statement given by any witness against the applicant and he is not the main accused in this case. Hence, for these reasons, I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge