

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2509 of 2018**

- Pyari Lal Rathiya S/o Late Hori Lal Aged About 45 Years Occupation Agriculture, Caste- Kanwar, R/o- Village Girari, Police Station Shyang, District- Korba (CG)

**----Applicant  
(In jail)**

**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station- Shyang, District- Korba (CG)

**---- Respondent**

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|----------------|---|----------------------------------------|
| For Applicant  | : | Miss Nirupama Bajpai, Advocate         |
| For Respondent | : | Mr. Anil Pillai, Dy. Advocate General. |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**28/05/2018**

1. This is the first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested on 10.12.2017 in connection with Crime No.10/2017 registered at Police Station Shyang, District Korba (CG) for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code.
2. As per the prosecution case, one Sukh Singh died on 21.4.2017. It is alleged that present applicant along with co-accused has committed murder of said Sukh Singh.
3. Learned counsel for the applicant submits that initially name of present applicant was not mentioned in the FIR lodged by the son of deceased Sukh Singh and only after ten months of incident, for the first time,

Dhanpati, wife of deceased Sukh Singh, has stated that it is present applicant who committed murder of her husband. She further submits that the allegation made by Dhanpati is inherently improbable and it is highly difficult to believe such a statement. She further submits that the applicant is in jail since 10.12.2017, the charge sheet has already been filed and the trial is likely to take time. Hence, she prayed that the applicant may be released on regular bail.

4. On the other hand, learned State Counsel opposes the prayer for grant of bail.
5. Perused the statement of Dhanpati, wife of deceased Sukh Singh, which was recorded on 4.11.2017.
6. Considering the facts and circumstances of the case, particularly the fact that applicant is in custody since 10.12.2017 and conclusion of trial is likely to take time, but without commenting anything on the merits of case, I am inclined to release the applicant on regular bail.
7. Accordingly, it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the trial Court concerned. He is directed to appear before the trial Court concerned on each and every date given by the said Court.
8. Certified copy as per rules.

Sd/-  
(Goutam Bhaduri)  
Judge

roshan/-