

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2972 of 2018

- Jairam Manjhi S/o Sufed Manjhi Aged About 28 Years R/o- Village- Talakot, Police Station And Post Office- Sinapali, District- Nuapada (Odisha), District : Nuapada *, Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Devbhog, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate.
For Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/07/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.273/2009 registered at Police Station- Devbhog, District – Gariyaband(C.G.) for the offence punishable under Sections 302, 323 & 427 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case only on the basis of the memorandum statement given by co-accused persons. Applicant is in jail since 21.09.2016. No case is made out against him and the trial of

co-accused has been completed and he has been acquitted by the concerned trial Court, hence, he may also be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant had been absconding from the very beginning because of which no investigation could be made in respect of this applicant, hence, it is prayed that the application be rejected.
4. Heard both the parties and perused the case diary.
5. The prosecution story is this, that on 27.11.2017 when the Deputy Forest Ranger Mark Tandi was on patrolling duty in the forest, he found that applicant and other co-accused cutting wood from the forest. It is allegation that when he tried to stop them, he was murdered by this applicant and co-accused persons. After completion of investigation, charge-sheet was filed in the year 2010 showing this applicant as absconding. This applicant has been arrested on permanent warrant, placed in detention on 21.09.2016 and the trial against him is still pending.
6. Considering on all the material present in the case diary, there is no eyewitness in this case and the case is totally based on the circumstantial evidence. Looking to the investigation made and further considering the fact that after the arrest and detention of this applicant on 21.9.2016, no further investigation was taken up by the concerned investigation agency and trial is also getting prolonged, hence, I am of this view that this is a fit case where applicant should be released on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his

furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha