

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3010 of 2018

- Udaynath Ram S/o Loknath Ram Aged About 37 Years Village Tripuri Sarnatoli, Police Station Kusmi District Balrampur Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kusmi District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Akath Kumar Yadav, Advocate.
For Respondent/State : Mr. Sanjeev Pandey, GA.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30.05.2018.

Heard.

1. The applicant has been arrested in connection with Crime No.65 of 2007 registered at Police Station- Kusmi, District – Balrampur, Ramanujgunj, (CG) for the alleged commission of offences under Sections 302/34 of the Indian Penal Code.
2. Case of the prosecution is that Tijobai, Jivanti Bai and Sandeep were found dead on 11.09.2007. Investigation remained pending for about 8 to 9 years and in the year 2016 one witness namely Rafel Xess gave statement under Section 161 Cr.P.C. that he is witness of oral dying declaration made by Jevanti Bai. Later on, the co-accused Arabsai who was named in the statement of Rafel Xess was arrested. It is alleged that in the memorandum statement of Arabsai, this applicant and other co-accused were named.

3. Learned counsel for the applicant would submit that except memorandum statement of Arabsai, there is no other incriminating evidence against this applicant in the charge-sheet filed by the police. He would further submit that the other co-accused who were involved only on the ground of their name having been mentioned in the memorandum statement of Arabsai have been enlarged on bail by this Court in MCRC No. 786/2018 vide order dated 02.04.2018. Hence, the applicant being similarly situated may also be granted bail.
4. On the other hand, learned counsel for the State opposes and submits that as the applicant was named in the memorandum statement of Arabsai, there is prima face case against him also. Hence, he may not be released on bail.
5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that other co-accused Arabsai, Brichand, Jagdev Ram, Ashok Ram and Madhav Ram have been granted bail in MCRC No. 786/2018, vide order dated 02.04.2018 and their case is similarly situated as a present applicant and further that except name in the memorandum statement, there is no other incriminating evidence against this applicant, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd /-
(Manindra Mohan Shrivastava)
Vacation Judge