

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3188 of 2018**

Neelam Swarnkar @ Neelu, W/o. Late Pramod Swarnkar, Aged About 31 Years, R/o. Sarkhon, Police Chowki Naila, P. S. Janjgir, District- Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Janjgir, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ajay Ayachi, Advocate

For State/respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**02/07/2018**

1. This is the second 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.323/2017, registered at Police Station – Janjgir, Chowki Naila, District – Janjgir- Champa (C.G.), for the offence punishable under Section 302, 109/34 of the Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to revive the same after examination of the eye-witnesses.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 11.10.2017. No case is made out against this applicant. The allegation against this applicant is this that he has abetted the offence of murder of Yashwant Kumar Swarnakar is totally false statement and there is no evidence on record of the case to support it. Oral statement given by the witnesses is just presumption. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the name of this applicant appears in the statement of the father and mother of the deceased. Hence, it is prayed that the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the deceased Yashwant Kumar Swarnakar was done to death by the knife injuries by the co-accused persons Aaditya Mishra & Somanth Pandey on that basis, the case has been registered and the investigation has been made.
6. Considered on the submissions made and the contents of the case diary. Considering on all the material present in the case diary, this applicant was not one of the person present on the spot, his involvement in the offence in question appears to be only on the basis of the statement of the wife and father of the deceased, who in turn were not themselves the witnesses of the spot. Hence, for this reason, this

Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge