

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 7562 of 2017**

Rustam S/o Amiruddin Ansari Aged About 24 Years R/o Village  
Batwahi, Police Station Lundra Distict Sarguja Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Station House Officer, Police Station  
Lundra Distict Sarguja Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri V.K. Pandey, Advocate.  
For the Respondent/State : Shri Anant Bajpai, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****29.01.2018**

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. 15 of 2017, registered at Police Station – Dhourpur, District – Surguja, Chhattisgarh for the offence punishable under Sections 302, 201/ 34 of the Indian Penal Code and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Similarly placed co-accused – Hamid Raza Ansari @ Sonu has been granted

bail by the Co-ordinate Bench in M.Cr.C. No. 4690 of 2017 dated 1.11.2017.

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 on the basis of the memorandum statement of this applicant some articles have been recovered and seized which are sufficient to connect him with the case. Hence, for these reasons, the applicant is not entitled for grant of bail.

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

5. On 9.3.2017, the dead-body of unknown woman was found in jungle on the basis of which, merg intimation was recorded in police station Dhourpur. After inquest, FIR was lodged against unknown offenders. During investigation, the applicant was apprehended and interrogated and at his instance some burnt articles like money purse, slippers and broken bangles were recovered and seized. After completion of investigation, the charge-sheet has been filed.

6. It is apparent, that there is no other evidence apart from the evidence of the memorandum and seizure and that the co-accused in this case has been granted bail by the Co-ordinate Bench of this Court and the case of the applicant cannot be differentiated on the grounds of parity. Hence, I am of the considered view that the applicant deserves to be released 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.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge