

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4036 of 2018**

Padam Sethiya S/o Late Janki Ram Sethiya Aged About 54 Years R/o Village- Markel, Police Station-Nagarnar, District- Bastar, Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer Police Station-Kotwali, Jagdalpur, District- Bastar, Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Goutam Khetrapal, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.07.2018**

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.340 of 2017, registered at Police Station – Kotwali, Jagdalpur, District Bastar, Chhattisgarh for the offence punishable under Sections 302 and 201 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 10.10.2017 and 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. 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 the involvement in the crime in question is clear from the statement made by the applicant as well as the co-accused on memorandum. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, Smt. Phoolbai Thakur and Babloo Netam were done to death by co-accused – Rakhi Thakur by assaulting, throttling and causing fatal injuries to them. During investigation, the name of the applicant has appeared in the memorandum statement given by co-accused – Rakhi Thakur. One memorandum statement of the applicant is also recorded and on that basis, one bamboo stick has been recovered and seized and the same has not been sent for any FSL examination.

6. After considering the entire material in the case-diary, I am of the considered opinion that the applicant deserves to be released on 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. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi