

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4258 of 2018

- Om Prakash @ Tegnu Nishad S/o Udal Nishad, Aged About 39 Years Occupation - Driver, R/o Village - Timargala, P.S. - Sarangarh, District Raigarh Chhattisgarh.

---- Applicant

In Jail

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarangarh, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate.
For Respondent/State	:	Shri Avinash K. Mishra, P.L.

Hon'ble Shri Pritinker Diwaker, J

Order On Board

03/07/2018

The applicant has filed this application under Section 439 of CrPC for grant of bail as he is in custody since 2.2.2018 in connection with Crime No.59/2018 registered at Police Station – Sarangarh, Distt. Raigarh for the offence punishable under Sections 302, 201, 120B, 34 of IPC.

02. As per prosecution case, co-accused Rambha was having illicit relation with the main accused Laxmi Sidar and the deceased Purandar Sahu. It is said that on 30.1.2018 the deceased was killed by the main accused Laxmi Sidar, the applicant and one Akshay and naked body of the deceased was found near the mines.

03. Counsel for the applicant submits that there is absolutely no legally admissible evidence against the applicant and he has been made accused only on the basis of memorandum of co-accused Laxmi Sidar. It has been argued that nothing has been seized from the applicant and even his memorandum has not been recorded. It has been further argued that there is no evidence that the applicant hatched any criminal conspiracy with other accused persons.

04. On the other hand, State counsel opposes the bail application. He, however, does not dispute that the applicant has been implicated only on the basis of memorandum of co-accused.

05. Heard counsel for the parties and perused the material available on record.

06. Considering the nature of evidence available on record against the applicant, without further commenting on merits of the case, I am inclined to release the applicant on bail. Accordingly, the application is allowed. The applicant is directed to be released on bail on his furnishing a personal bond of Rs. 1 lac with one surety for the like sum to the satisfaction of the concerned trial Court for his appearance before it as and when directed.

Sd/

(Pritinker Diwaker)

Judge