

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 4536 of 2018**

Ravi Lal Sanwra S/o Manglu Sanwra, aged about 40 years, R/o village ward no. 08, Charbhata, Thana Sankra, District Mahasamud, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through the Police Station Rajadevri, District Baloda Bazar-Bhatapara.

---- Respondent

For Applicant	:	Shri Deepak Jain, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17/07/2018**

This is the first application filed u/s 439 of Cr.P.C. for grant of regular bail to the applicant who is in jail since 21.12.2017 in connection with Crime No. 59/2017 registered at Police Station- Rajadevri, District Baloda Bazar-Bhatapara (CG) for the offence punishable under Sections 302 & 201/34 of IPC.

2. The allegation against the present applicant as per the prosecution is that he along with co-accused Madhav Manjhi and Mani Barik is said to have assaulted the deceased Kailash on 17.12.2017 resulting in multiple injuries to which the deceased died on 19.12.2017. The FIR was lodged on 20.12.2017.

3. Counsel for the applicant submits that except for the memorandum statement of co-accused Madhav there does not appear to

have any substantial material available with the prosecution for implicating the applicant in the said offence. None of the other witnesses examined during the course of investigation has taken the name of the present applicant being in the company of Madhav Manjhi in commission of the offence. He further submits that co-accused Mani Barik against whom identical allegations were made has already been granted bail in MCRC No. 2860/2018 vide order dated 25.05.2018 and therefore, the present applicant is also entitled for grant of bail on the ground of parity.

4. State counsel, however, opposes the bail application and submits that it is a case where the present applicant and co-accused person are said to have assaulted the deceased resulting in multiple injuries to which he later on succumbed. He further submits that Considering the gravity of the offence, the applicant does not deserve to be released on bail.

5. Having heard the contentions put forth on either side, on a query being put to the State counsel he fairly admits that except for the memorandum statement of co-accused Madhav Manjhi there is no direct evidence against the applicant of having been involved in the commission of the offence. State counsel refers to the statement of the father of the deceased Arjun Sahu who has taken the name of the present applicant. However, the said Arjun Sahu is unable to disclose the source from where he came to know about the involvement of the present applicant in the commission of the offence.

6. Given the aforesaid facts and circumstances of the case and also taking note of the fact that except for the memorandum statement of the main accused Madhav Manjhi there does not appear to be any strong

material available in the case diary against the applicant and also considering the fact that co-accused Mani Barik against whom there is similar allegation has already been released on bail, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

7. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

Sd/-

(P. Sam Koshy)
JUDGE