

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4642 of 2018

1. Harekrishn Nag S/o Ujal Nag, Aged About 18 Years, R/o- Village- Petandih, Thana And Tahsil Saraipali, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh
2. Jitendra Nag S/o Ujal Nag, Aged About 20 Years, R/o- Village- Petandih, Thana And Tahsil Saraipali, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh
3. Ujal Nag S/o Jadhu Nag, Aged About 46 Years, R/o- Village- Petandih, Thana And Tahsil Saraipali, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Saraipali, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

----Non-applicant

For Applicants – Shri Vikash Pradhan, Advocate.

For Non-applicant/State –Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 21-11-2017 in connection with Crime No.375/2017 registered at P.S. - Saraipali, District- Mahasamund, Chhattisgarh for the offence under Section 363, 302, 201, 34 of the IPC.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 21-11-2017. Charge sheet has been filed after completion of the investigation. No case is made out against the applicants on the basis of material present in the charge sheet. The memorandum statement given by applicant No.1 and applicant No.2 is not legally admissible and the seizure of the article that has been made does not connect the applicants with the commission of crime. Similarly placed co-accused persons have been granted bail by coordinate Bench of this Court.

Hence, it is prayed that these applicants may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that proof regarding chain of circumstances is complete, hence, the application may be rejected.

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

5. According to the case against these applicants, on the date of incident applicant No.1, applicant No.2 and Rajeev Bhoi strangled and caused death of deceased Tarun Nayak, a boy of 6 years of age. On coming to know about the incident rest of the accused persons have disposed off the dead body. Hence, this case.

6. Considered on the material present in the case diary. As there is no evidence of last seen together and the prosecution is resting its case only on the recovery of one shoe lace found in the house of applicant No.1 and applicant No.2 and also taking into consideration this fact that similarly placed co-accused persons have been granted bail, I am of this opinion that these applicants also deserves to be granted bail.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge